Ombudsman

British Columbia

2001

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Ombudsman

Legislative Assembly
Province of British Columbia

May 15, 2002

The Honourable Claude Richmond
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria, BC V8V 1X4

Dear Mr. Speaker:

It is my pleasure to present the Office of the Ombudsman's 2001 Annual Report. This report covers the period January 1 to December 31, 2001.

This report has been prepared in accordance with section 31(1) of the *Ombudsman Act*.

Yours truly,

Howard Kushner
Ombudsman for the Province of British Columbia

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From the Ombudsman

When I started writing my opening comments for the 2001 Annual Report, I quickly realized that it was going to be one of those "Good News, Bad News" reports. In 2001 our office accomplished a number of objectives and began a number of initiatives, which I am very proud of. At the same time, as 2001 came to an end, concerns about budget cuts, job losses, reductions in the quality and level of service and privatization predominated. These concerns relate not only to the Office of the Ombudsman in its day-to-day operations (a possible 35% budget cut over three years with attendant loss of jobs and reduction in services) but also to the issue of governmental accountability to the public and our office's role in protecting and promoting fair administration in a democratic system. Accordingly I will separate my remarks this year into two categories: The first, entitled "The Good News," contains information about workload, statistics, and the activities of our office in 2001. The second, "The Bad News," discusses the concerns raised by the effect of the government's deficit cutting agenda and its impact on the role of our office.

In addition to my introductory comments, in Part II of the Report I have highlighted 32 case summaries. These case stories provide a clear illustration of what we do and what we can accomplish. These stories portray the day-to-day real life operations of our office. More details about these cases can be found in my opening comments for Part II on page 10, "Case Summaries."

Part III of the Annual Report contains the statistical information about our office. I have tried to insure that the statistical information is provided in a format that is both easy to understand and consistent from year to year.

The Good News – The Office in 2001

In the year 2001, our office processed 11,048 intakes, which included 3,950 requests for information and 7,098 requests to conduct an investigation. The level of intakes was approximately the same as in the year 2000; it increased by about 140 intakes. As in the past, this number of intakes represents about 200 intakes a week, the vast majority of which occur over the telephone (approximately 80%). We also receive intakes by letter, fax, over the internet (www.ombudsman.bc.ca) or by in-person meetings. Approximately

75% of the intakes are addressed by our Intake Team, usually within one working day of receipt of the intake. Often, an inquiry can be redirected to an existing complaint review process, which may provide the relief the individual is seeking. If our Intake Team cannot address the concern, the file is assigned to an investigator for review and consideration.

During the year 2001, our 28 investigators were assigned approximately 2,534 new files and closed over 2,900 files. At the end of 2001, we "carried over" 605 files into the new year, the majority of which were less than a year old (455). Over the past three years, our office has reduced our "carried over" files by about 50%, from 1,191 files in 1999 to 605 files in 2001, while maintaining a relatively constant intake of about 11,000 files. This has been achieved through the hard work and conscientious efforts of both our Intake Team and five Investigative Teams. We have started developing performance measures to assist us in insuring that we are operating both efficiently (doing things right) and effectively (doing the right things). For example, our Intake Team has, as one of its performance measures, the objective of responding to complaints received by internet, fax or mail within two working days and responding back to a telephone complainant within eight working hours. Our Investigative teams have implemented performance measures, which insure: (a) that an investigator will contact a complainant within five working days of being assigned a file; (b) that the first steps of the investigation will begin within thirty days of receipt of the file; and (c) that an investigator will be in contact with the complainant at least once every ninety days.

The performance measures referred to above speak to being efficient – doing things right – processing our "intakes" in a timely fashion, maintaining contact with a complainant, moving an investigation along. The more difficult task is the development of performance measures of effectiveness – doing the right things. For example, as an independent impartial investigator, it would be inappropriate for our office to measure our effectiveness by the outcome of an investigation, (i.e. number of complaints substantiated or not substantiated). It is not our goal, nor our objective to find "unfairness" where none exists or to pre-judge the validity of a complaint before we have conducted an investigation. However, one measure of our success and effectiveness may be the relatively few instances where an authority has not been prepared to accept our recommendation to remedy an unfairness where we believe an unfairness to have occurred. Over the past three years, we have had no instances where, after an investigation has been conducted and recommendations proposed, the authority has refused to accept our recommendations. In fact, a review our statistics over the past three years shows that we generally have had very few substantiated outcomes. For example, in 2001, not counting our Forest Renewal BC investigation (which involved 104 complaints) we had only one substantiated complaint. The reason for the low count is that, in most cases, when our investigation has revealed or suggested that some unfairness has occurred, the authority is prepared to address the unfairness without the need for us to make a formal finding of unfairness and thus "substantiating" a complaint. The complaint is therefore

closed as resolved. Thus, given our practise, the low number of substantiated complaints is, in itself, a performance measurement indicator of the effectiveness of our office. Another possible performance measure of "doing the right things" is the impact of our investigations on changing existing practices and procedures of an authority so that future unfairnesses are prevented. We have, in 2002, begun to more formally track the impact of our investigations on practices and procedures of authorities and will be able to report on the number in 2002.

Another substantial action of our office in 2001 was the release of our report on our investigation of Forest Renewal BC: "The Forest Worker Transition Program Tax Information Dispute" (*Public Report 41*, released November 2001). This report substantiated findings of administrative negligence and unfairness against Forest Renewal BC. The primary theme underlying the investigation is that people relied on Forest Renewal BC's advice and instructions in relation to the tax status of funds provided by Forest Renewal BC. As a result, they suffered negative financial consequences due to being misinformed or misled. This program affected over 8,000 individuals and we recommended that Forest Renewal BC be responsible to pay all the taxes, both federal and provincial including all interest charges. I am pleased to report that Forest Renewal BC and the Government of British Columbia agreed to accept our recommendations.

In 2001, we also issued two other public reports: "Developing an Internal Complaint Mechanism" (*Public Report 40*, September 2001) and "Ombudsman Strategic Plan 2001–2005" (*Special Report 22*, November 2001). I commented upon the Internal Complaint Report in my 2000 Annual Report. We have received many very favourable comments about *Public Report 40* from a variety of sources, including other Ombudsman Offices in Canada, which are referring the report to their authorities. The report was also used as a reference by the Ministry of Attorney General in their Administrative Justice Project. Our Strategic Plan Report represents an update of our earlier Strategic Plan Report 1997–2001 (*Special Report 20*). Shortly after being appointed Ombudsman in June 1999, I began working on an update of our Strategic Plan. This process involved all of our staff reviewing and discussing our first Strategic Plan and the proposed changes and modifications. I am appreciative of the effort and time the staff invested in reading and reviewing the Strategic Plan and the modification and changes proposed which resulted in our revised Plan 2001–2005. Their input reinforced the fact that the plan is an accurate portrait of our office, its vision, its mandate and its goals. This work was also timely as it allowed our office to be able to provide an updated Strategic Plan to the Legislature as part of our budget review process in 2001.

One of the initiatives I was most pleased with was the Provincial Tour this office initiated in the summer of 2001. I, along with at least two staff members visited eight Municipalities around the Province. We went to Kelowna, Pentiction, Princeton, Kamloops, Merrit, Hope, Prince George and Quesnel. At each location, we set up a mini-intake office where people could come and file a complaint in person. I also met

with a number of authorities, including representatives of city, town and regional district councils, hospitals, schools and various provincial ministries to talk about our office, what we do, and how we operate. I also met with members of the press, conducted radio and television interviews and spoke to members of the public about our office. These tours represented an attempt by our office to reach out to the residents of the various parts of the Province and to ensure that people are aware of our office and of their ability to contact us if they feel that they have been unfairly treated by a public authority. It was the first time in at least 15 years that we had visited the communities and provided in-person intake. It is my hope that I will be able to continue to conduct such tours over the next three years and be able to visit other areas of the Province. The reception that my staff and I received from everyone was exceptional. We were welcomed, treated with kindness and respect and I want to thank the residents of the areas we visited for their thoughtfulness and hospitality.

The Bad News – The Future of the Office

As the year 2001 came to a close, a shadow hung over our office. The Select Standing Committee on Finance and Government Services issued a report entitled "Financial Review of Statutory Officers of British Columbia." In that report, the Committee proposed, for the Office of the Ombudsman, a three-year budget reduction (covering fiscal years 2002/03 to 2004/05) of 5%, 10%, and 20% respectively for a total of 35%. Although the first year budget reduction of 5% is achievable without a substantial reduction in the quality and level of service, the reductions in year two and especially year three would mean a corresponding reduction in the quality and level of service provided to complainants. I have formed two internal committees, one focussing on organizational structure, the other on workload, to review the impact of the proposed budget cuts and to provide me with some options and choices as to how we can implement the cuts. Although no final decisions have been reached, it is likely that our Vancouver office (which currently provides an intake service and houses two of our five investigative teams) will be substantially reduced in size or possibly even closed. I also expect that we will be forced, due to budget constraints, to give up our ability to investigate certain authorities or certain types of complaints, which we now investigate. As I indicated to the Standing Committee in my appearance before them, a reduction in the budget of 35% can only be met by a corresponding reduction in levels and quality of service. However, there appears to be an expectation by government that our office will continue to provide the same level of service or possibly more. For example, the Government has indicated its intention to replace the Children's Commissioner with a Children's Officer and that some of the work previously done by the Children's Commission will now be done by our office and not by the Children's Officer. It is expected that our office will be the only external review of

complaints of administrative unfairness about the Ministry of Children and Family Development. The expected outcome of these changes is an increase in our workload, yet our budget is reduced. In the fall, it is my intention to file a Service Plan with the Legislative Assembly, which will more clearly indicate the impact of the proposed budget cuts and our office's response.

Of greater concern to me than simply the budget cuts is the failure, in my view, of the government to appreciate the special role that Independent Officers of the Legislature such as the Ombudsman, the Auditor General and the Freedom of Information and Privacy Commissioner play in insuring fairness and accountability by government. My budget is not large in the overall scheme of things (a .018% of the total expenditures of government in 2002) but our impact can be substantial (for example our Forest Renewal BC report). We are the public watchdogs; we *"can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who draw the blinds" {re Ombudsman Act (1970) 72 W.W.R. 176 (Alta.S.C.) per Milvain C.J. at p. 192-193.}* It is the basic purpose of the Ombudsman to protect the human rights of citizens with respect to complaints against government and public authorities. To be effective, an Ombudsman's office needs to have adequate funding so as to be able to properly investigate the complaints brought to it.

This is even more important when Government is in the process of restructuring, when spending is being reduced, when procedures are being changed or modified, and when services are being transferred or withdrawn. Both while the restructuring is occurring and after it has been completed, it is important to insure that access to our office has not been limited or prevented either by failing to adequately resource the office or by preventing the office from having an oversight role. As this province looks to other provinces like Alberta and Ontario for models of restructuring, it is also instructive to look at what the Ombudsman in those provinces have said about such actions.

Former Alberta Ombudsman, Harley Johnson in his *1995 Annual Report*, said: *"It does not matter whether the service is provided by a line department, agency, commission, tribunal or private contractor. If no watchdog or appropriate appeal process exists on complaints about out-sourced services, then the concept of accountability is at best watered down, or at worse, non-existent."* Our office is that watchdog. Reducing our funding or failing to insure our ability to accept complaints about out-sourced services denies to the citizens of BC their democratic rights. Former Ontario Ombudsman Roberta Jamieson, in her *1996/97 Annual Report*, stated it this way:

> *"It has become a basic feature of our democracy that people who believe they have been treated unfairly in the provision of public services have the right to complain to someone who is empowered to conduct an independent investigation of their complaint. If the evidence warrants, there is an expectation that recommendations will be made and*

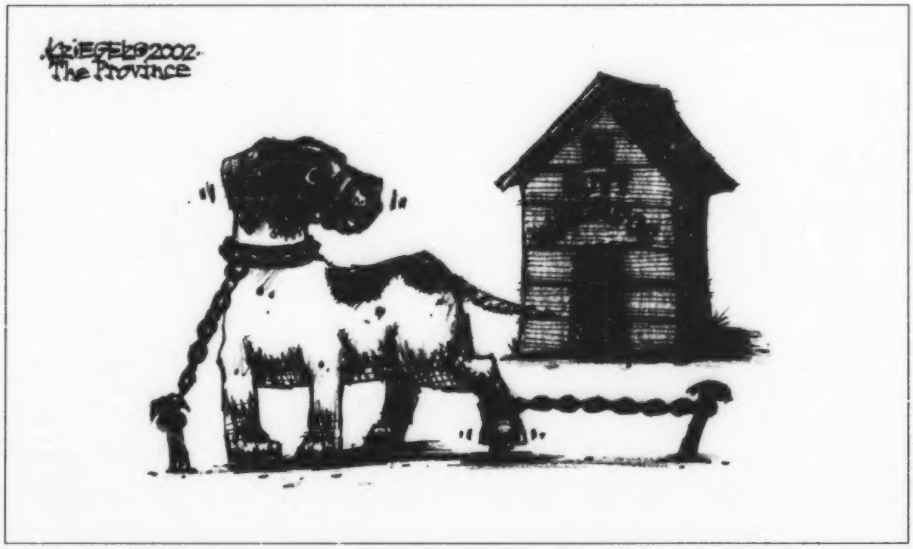
corrective action taken. These democratic rights apply whether a service is rendered by government itself, or on behalf of government by the private sector.

If a service is provided by tax dollars, uses publicly-owned resources, has a regulatory framework, involves overriding public policy considerations such as health, safety, consumer protection or the environment; and if vulnerable persons such as those in custody and care are involved, then the right to independent investigation of complaints must be preserved. It makes no difference whether the service is provided by a governmental organization or a private service-provider."

She further stated:

"It has become a basic feature of our democracy that individuals who believe they have been treated unfairly in the provision of public services have a right of recourse to seek redress. As the government introduces a range of initiatives to re-structure the delivery of government services, it is necessary to be vigilant in ensuring the right of complaint is not overlooked in the process or indeed lost altogether."

I echo these statements. I am concerned that the dual initiatives of government, reducing spending and restructuring the delivery of government services, will impact negatively on this office. Our ability to conduct comprehensive investigations, our ability to handle the existing level of intake (let alone a larger volume), our ability to oversee the actions of a variety of authorities and even our right to accept complaints about some services are all at risk. This view is shared by members of the media as well as by other groups such as the BC Civil Liberties Association and the BC Freedom of Information and Privacy Association. I have included a copy of the editorial cartoon from the *Vancouver Province* (January 8, 2002), which in a visual way, eloquently illustrates the concern.



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As a consequence of the government's dual initiatives, our ability to be an effective watchdog and to insure accountability of government is threatened. I accept that as government reduces spending to lower the debt, my office is not and should not be immune to reductions. But reductions at a level of 35%, reductions, which limit our ability to effectively scrutinize the actions of public authorities, are not appropriate. Further, restructuring government so that services which previously were subject to our scrutiny but are now immune is also not acceptable and is inconsistent with the objective of having an Ombudsman. I am hopeful that in 2002 the Legislators of this province will reconsider their approach to the Office of the Ombudsman and will insure that an appropriate level of funding is provided and that an effective scrutiny of public services will continue to occur.

In closing, I would like to take this opportunity to express my thanks and appreciation to all the staff of the Ombudsman's Office. From the day I was appointed Ombudsman, the staff have worked with me to achieve the positive outcomes and changes which have occurred over the past three years. They have approached their jobs with enthusiasm and excitement, facing the challenges of change with a positive outlook. I thank them for their support and I know, that even though our office is facing serious challenges, they will continue to serve the Province of British Columbia and continue to provide the excellent service that has become a trademark of our office.

Case Summaries

Part II of the Annual Report consists of 32 case summaries. I have selected this year's summaries differently from the past. Previously, the criteria applied to choosing a story was – is this case interesting and informative? This year, in addition to these two criteria, I have also attempted to choose cases, which illustrate certain aspects of our work, which may not normally be highlighted. For example, often as a result of an investigation, not only is the particular complaint resolved satisfactorily but also a change in practise, procedure or policy of the authority also occurs. These changes hopefully will prevent future complaints of a similar nature from occurring. Yet, our office's role in achieving these changes is generally not acknowledged nor identified. Our office conducts its investigations in a confidential manner. We generally do not publicize that we are engaged in an investigation. The outcome of an investigation is most often only reported to the complainant and the authority. This policy of not seeking to publicize our investigations or their outcomes has, I believe, been a strength of the office and makes us more effective. Authorities know that the information they provide to us will not become "public information." Authorities know that we are not seeking a public forum but rather we are focussed on addressing issues of unfairness and are seeking appropriate resolutions. We are not engaged in a "finger pointing" exercise. As a result, I believe, authorities have been more willing to accept the results of our investigations and to view us as impartial. However, in times of budget cuts and reviews of effectiveness, this low-key approach may work to our disadvantage. So, in this report, I have attempted to include a number of cases where the result reflects a change in the practise, procedure or policy of an authority in order to illustrate the broader impact of our investigations. For example, the cases involving a change to a School District's substance abuse policy, the development of the College of Physicians and Surgeon's Cosmetic Surgery Information website, a Health Region's new policy on the *Mental Health Act* admissions or the access to free vaccinations for patients with chronic liver disease were all outcomes achieved in part as a result of our investigations. Sometimes an authority will decide to review similar cases to decide if the change, which occurred as a result of our investigation, applies to existing cases, such as the Superintendent of Motor Vehicles in the Vehicle Impoundment case. I am

encouraged by the actions of authorities to address issues of administrative unfairness not simply on a case-by-case basis but on a systemic basis as a result of our investigations. Further, as I indicated in my opening comments to this year's report, we will attempt to track and measure these types of cases for future reports.

I have also selected some cases to illustrate the variety of outcomes that can be achieved. Sometimes, we are able to identify an existing process, which could provide the relief that the complainant is seeking (see Case Summary 19 – Workers' Compensation Board). The options for redress of a complaint of administrative unfairness are many and varied ranging from an apology, to a reconsideration, to refunding fees or previously imposed charges. Our office is not able to order an authority to remedy an unfairness; we can only make recommendations, but as demonstrated in the case summaries, authorities are prepared to accept our recommendations and to act accordingly.

I have also included some cases to illustrate that it may take time to obtain a positive outcome. For example, Case Summary 25 involving the transfer of credits from Alberta to British Columbia, took almost seven years to obtain a satisfactory outcome. Seven years is unusually long but the outcome only came about because we were prepared to pursue the matter rather than simply close the file without having achieved a positive result. We don't have very many old files, but when we do, it is generally because we have completed the investigation and are attempting to obtain a resolution that has a positive outcome for the complainant.

Case Summary 32 is an update on a previously reported case – *Special Report 19*, June 1987 – involving the Willemar Bluffs (Regional District of Comox-Strathcona). I am pleased to report that a positive outcome to that investigation has now been obtained. I am disappointed that it took an additional nine years of negotiations to resolve the matter, and that our initial recommendation to the authorities was not accepted.

In summary, I hope the following case summaries are interesting, informative and thought provoking and provide a new insight into the activities of our office.

Case Summary 1

Superintendent Impounds Cars

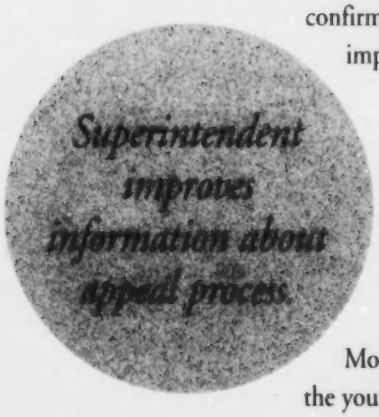
AUTHORITY:
SUPERINTENDENT OF MOTOR VEHICLES

Case A

Ms. J's case began with a request to the Superintendent of Motor Vehicles to reverse a decision to impound her vehicle under the *Motor Vehicle Act*. Ms. J had asked a young man to baby-sit for her while she went out, giving him permission to have a friend visit. She had left the keys to her Jeep in the house and the Jeep parked in the driveway.

That evening, before Ms. J returned, the sitter decided to use the Jeep to drive his friend home. A police officer stopped the Jeep and found that the young man was unlicensed. The Jeep was impounded.

Ms. J appealed the impoundment to the Superintendent of Motor Vehicles, paying $100 for an oral review. In the course of the review, conducted by phone, the adjudicator confirmed the Jeep's impoundment, making Ms. J liable for both the towing and daily impound fees. Ms. J also lost use of the vehicle for 30 days.



According to Ms. J, she was being found liable because she had left her keys accessible and because she was aware that the sitter did not have a licence. Her position was that the sitter had taken the Jeep without her knowledge or consent; however, the adjudicator interpreted "consent" – found in s.104.8 (1)(a) of the *Motor Vehicle Act* – as including both "implicit and explicit" consent.

The questions this office raised when we met with the Superintendent of Motor Vehicles concerned the adjudicator's interpretation of Ms. J's statement that the young man had acted without her knowledge or consent. Our offices exchanged legal opinions and as a result, the Superintendent re-adjudicated the appeal, using the record on file, which included a report from the R.C.M.P. and a letter from the young man.

The Superintendent's decision noted that the safety of the public requires enforcing driver licensing requirements, underlining the significant onus legislation places on an owner to ensure that those who drive are properly licensed. The Superintendent also considered the subjective test often used in case law to establish implied consent: Would the owner (Ms. J) have consented as a matter of course, if consent had been sought? He concluded that the owner would not have consented. Consequently, he revoked the impoundment, reimbursed Ms. J's costs and refunded her application and hearing fees.

The Superintendent of Motor Vehicles also revised its published information on the appeal process to clearly inform applicants that they must do more than assert that they did not know or consent to the use of a vehicle. In the future, successful applicants will have to give evidence to support their assertions.

A number of other complainants to our office [see below] were subsequently contacted by the Superintendent and invited to resubmit their applications at no additional cost with any new evidence they wanted considered. We concluded this was a fair and appropriate response.

Case B

Mr. Y took a weekend holiday, asking his 26-year-old son to look in on his house and feed his cat. While at the house the son, on an impulse, went for a drive in a car owned by his father that Mr. Y seldom drove. When police stopped the car it was impounded: the son was unlicensed and had been involved in a previous instance of driving while unlicensed.

Mr. Y's initial application for review by the Superintendent of Motor Vehicles was denied. He had asserted that he had not given his son permission to use the car and he did not know when his son had used it. However, following the Superintendent's offer of a second review and request for any additional information, Mr. Y's appeal succeeded.

In the second review, Mr. Y noted that he had three sons, none of whom was permitted to drive his cars. While the 26-year-old son had keys to the house and was there to attend to the cat, Mr. Y had no knowledge of the son taking the car. Neither had he given consent, having previously informed all of his sons that they were not to drive his cars unless he was present, even if they had valid licences.

The Superintendent refunded Mr. Y his application fee, as well as the towing and storage fees on the impoundment.

Case C

Ms. H, a single parent and nurse, returned from vacation to find that her car had been impounded and that she was facing towing and storage charges. Surprised to find her car gone – she had taken her car keys with her – she discovered her ex-boyfriend had been driving the car. Ms. H asked the R.C.M.P. to lay a theft charge against the ex-boyfriend, but they refused because of the previous relationship.

Ms. H's first appeal to the Superintendent of Motor Vehicles – a written review – was unsuccessful. According to the complaint she brought to our office, the adjudicator rejected the appeal because the driver had previously used the car with Ms. H's permission and she had failed to show that consent had been withdrawn.

Ms. H submitted additional information following the Superintendent's offer to conduct a second review, but the vehicle impoundment was confirmed. The reviewer was

not satisfied – on a balance of probabilities – that Ms. H did not know or had not consented to the ex-boyfriend driving the vehicle.

Case D

Mrs. B's vehicle was impounded when her husband was found driving it. According to her written appeal to the Superintendent of Motor Vehicles, she did not know that her husband's licence was suspended. She was aware that he had previous driving fines – she had paid the fines – but was unaware that his driver's licence was invalid. She believed that she had exercised reasonable care and diligence in allowing him to drive. Mrs. B's appeal had also noted that she needed the car for work and to transport her children to preschool and daycare; however, the Superintendent is not authorized to consider hardship, or the personal needs of the vehicle owner in a review.

Although Mrs. B had assumed that paying her husband's fines resolved his driving status, it did not, and there was no indication that she took any steps to determine if he held a valid driver's licence. Mrs. B decided not to respond to the Superintendent's offer to conduct a second review.

Case E

Ms. R's car was impounded when her ex-husband – who did not have a driver's licence – drove the car without her consent. According to Ms. R's complaint to this office, the Superintendent of Motor Vehicles' denial of her appeal of the impoundment was unjust, based on the merits of the case.

On discussing Ms. R's concerns with the Superintendent's Director of Hearings and Appeals, it became apparent that the written submission Ms. R had provided the Superintendent focused on the hardships she and her family faced without her car and did not contain much information on the consent issue. In response to our question as to what options were now available to Ms. R, the director advised us that Ms. R could request an oral hearing and that the director was prepared to hear the appeal herself. We informed Ms. R of this option and suggested she focus on the consent issue, bringing forward as much supporting documentation and as many witnesses as she could.

Ms. R later advised us that she had been successful; her review fee, towing and storage fees would be refunded.

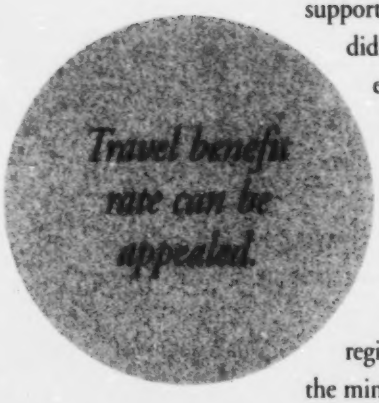
Case Summary 2

Wrong to Deny Appeal Right

AUTHORITY:
MINISTRY OF HUMAN RESOURCES

On March 21, 2000, we advised the Ministry of Human Resources that the Ombudsman had started an investigation on his own initiative, pursuant to s.10(1) of the *Ombudsman Act*. At issue was the ministry's practice of prohibiting clients from appealing the amount of the travel benefit paid under s.31 of the *Disability Benefits Program Regulation*.

The travel benefit is intended to help recipients attend a self-help skills program or supported work placement program approved by the minister. While the *Regulation* did not establish an amount for the benefit – or prohibit an appeal – policy had established a maximum of $46 a month. This rate, unchanged for many years, fell far short of the actual cost of transportation in 2001.



Through our investigation, we found that the ministry was relying on s.72 of the *Income Assistance Regulation* to prohibit appeals of decisions concerning travel benefits. However, the prohibition in the *Income Assistance Regulation* does not apply to travel benefits under the *Disability Benefits Program Regulation*.

The ministry agreed with our assessment. In September 2001 it advised its regional executive staff and B.C. Benefit Coordinators of this decision. In October the ministry posted a Practice Advisory on its intranet site informing staff that clients receiving the travel benefit under the *Disability Benefit Program Regulation* may appeal a decision relating to the amount of the travel benefit.

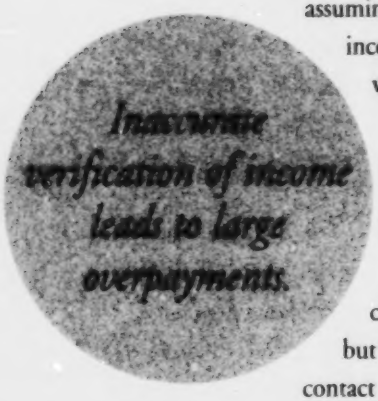
Case Summary 3

Ministry Refunds $40,000 Overpayment

AUTHORITY:
MINISTRY OF HEALTH

Residents of care facilities pay a user fee to the Ministry of Health. The fee, set annually, is based on residents' income.

Over the years, the ministry has used various methods to determine income. For example, the ministry has used Medical Services Plan premium rates as a reference point, assuming that residents receiving assistance with premiums were likely to have the lowest incomes, while those not on premium assistance must have a level of income that would justify higher user fees. However, in some cases, these assumptions were incorrect: residents with very low incomes were paying full premium rates and, consequently, the highest facility user fees.



Before coming to the Office of the Ombudsman, the families of two residents had tried without success to resolve the problem through discussions with the care facilities, the health regions and the Ministry of Health. In one case, health region staff had recommended that the family be offered a refund, but the ministry refused. In the end, the staff recommended to the family that they contact this office.

When we advised the ministry of the complaints, we were disappointed to find that the ministry was uncooperative. There was difficulty in obtaining information, inaccurate communications, delays and an unwillingness to accept the possibility that refunds might have to be made. Initially, the ministry advised us that it was contrary to policy to provide refunds, even if residents had in fact been overcharged and the ministry had received money it was not entitled to. Refunds would only be offered if it could be proved that ministry staff had made an error, the onus of proof appearing to be on the resident.

Part of the reason for this surprising position was that in recent years, the ministry had worked to advise health regions, care facilities and residents about the fee setting process and had tried to correct any errors that came to light. They had also changed to a more accurate method for determining income.

However, while these efforts by the ministry may have corrected a number of errors, their success depended on communication between care facility staff and residents. Many

elderly residents were not capable of dealing with these issues themselves and not all of the problems were identified and corrected.

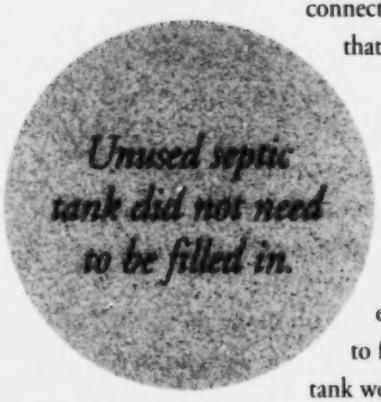
Eventually, the ministry agreed that refunds should be issued to the two families. One family received $22,117, the other $18,484.

Case Summary 4

Municipality Waives Connection Fee

AUTHORITY: MUNICIPAL GOVERNMENT

When Mr. O purchased his property, he understood that it was connected to the municipal sewer system. It was only later that he discovered that the property was not connected, and that the municipality, in addition to charging a connection fee, required that he fill in his existing septic tank.



As Mr. O pointed out to the municipality, the latter requirement was problematic, given that the septic tank was located beneath a recently constructed garage. Before issuing a building permit to Mr. O, the municipality had approved the site for the garage.

Following contact with our office, municipal officials visited the site and after speaking with Mr. O determined that the septic tank was both located entirely on his property and safely enclosed. Consequently, Mr. O did not need to fill in the tank. In addition to assuring Mr. O that the location of the septic tank would be noted on the municipality's records for future reference, the officials waived the sewer connection fee.

Case Summary 5

Ministry Corrects $26,000 Error

AUTHORITY:
MINISTRY OF HUMAN RESOURCES

Ms. T was a client of the Ministry of Human Resources. Her former husband, a war veteran who suffered from a severe disability, lived in her basement, paying her room and board.

According to Ms. T, the ministry was aware of her landlord/tenant relationship with her ex-husband. However, during a review, the ministry concluded that Ms. T and her ex-husband were in a "dependency" relationship where two people share the same residence, income and assets. This change in status meant that her ex-husband's income would be taken into account in determining her eligibility for assistance. When her income was re-calculated on this basis, the ministry determined that Ms. T would have to repay more than $26,000 that she should not have received.

Ministry fails to implement tribunal decision.

Ms. T told this office that a ministry investigator advised her that in order to continue receiving the assistance she needed, she would have to sign an agreement to re-pay the $26,000. She signed the repayment agreement believing that otherwise her benefits would end, then filed an appeal, presenting evidence that proved she and her ex-husband were in a landlord/tenant relationship and did not share income and assets. The tribunal hearing the appeal accepted the evidence.

Although they had the right to do so, the ministry did not appeal the tribunal's decision. However, to Ms. T's great surprise and concern, the ministry informed her that regardless of the tribunal's ruling, she would have to repay the $26,000 because she had signed the repayment agreement. Terrified that she would lose her house, Ms. T contacted our office.

Initially, when we discussed the complaint with the ministry we were informed that their position was as Ms. T described. However, after further discussion and review, the ministry acknowledged that in view of the tribunal's decision, they no longer had the right to claim the debt. As a result, we were pleased to advise Ms. T that she would not have to re-pay the $26,000 and no longer needed to fear the loss of her home.

Case Summary 6

Ministry Clarifies Bad News

AUTHORITY:
MINISTRY OF HUMAN RESOURCES

Mr. A received a letter from the Ministry of Human Resources informing him that he was not eligible for a disability benefit. According to the letter, Mr. A did not satisfy a list of criteria necessary to be deemed a person with disabilities. The letter did not specify the particular criteria he failed to satisfy. Consequently, Mr. A understood the decision to mean that he had failed to meet any of the criteria.

Specific reasons now provided on disability benefit decisions.

Although aware that he could appeal the ministry's decision, Mr. A came to this office with concerns that the ministry had either arbitrarily dismissed or inadequately considered medical reports and other documentation he had submitted with his application. He was also concerned that he was unable to get further information on the decision by calling the toll-free telephone number listed in the decision letter.

Shortly after contacting us, Mr. A was successful in his appeal and was deemed eligible for a disability allowance. However, Mr. A's complaint had raised concerns in this office that the manner in which the ministry communicated such decisions might confuse applicants, thereby compromising their ability to formulate effective appeals of those decisions. We were also concerned that the telephone number listed in the decision letter was not a useful source of information; people who called the number were invariably referred to their financial assistance workers for information.

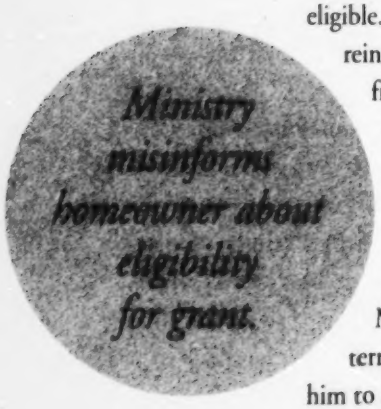
Following our initial consultation, the ministry agreed to remove the toll-free number from the letter and substitute more appropriate information. The ministry also revised its method of communicating disability benefit decisions, adopting a new format that provides specific reasons for the decision.

We believed the measures taken by the ministry were appropriate and discontinued our investigation.

Case Summary 7

Homeowner Receives Refund

AUTHORITY:
MINISTRY OF PROVINCIAL REVENUE, HOME OWNER GRANT ADMINISTRATION



Mr. G received the Home Owner Grant for a number of years. Following a legislative amendment to the *Home Owner Grant Act*, he was told that he was no longer eligible. However, he was not informed of a subsequent amendment to the Act that reinstated his entitlement. He further objected that the yearly tax notices he received from the city incorrectly indicated that he was not eligible for the grant. As a consequence, Mr. G asserted that he was unfairly denied the Home Owner Grant for six years, from 1993 to 1998.

In spite of the legislation, which places clear limits on retroactive payment of the grant, we discussed the particulars of Mr. G's situation with officials administering the Home Owner Grant. Specifically, we pointed out that while Mr. G had received individual notification of the legislative amendment that terminated his eligibility, he was not notified of the later amendment that entitled him to the grant. Further, we noted that the tax notices Mr. G received continued to incorrectly inform him that he was not eligible for the Home Owner Grant.

In view of the circumstances, we asked administration officials to reconsider the denial of Mr. G's claim for retroactive payment of the grant. They agreed and, following their review, reimbursed Mr. G $2,820, an amount representing the value of the Home Owner Grant for the six-year period in question.

Case Summary 8

AUTHORITY:
MINISTRY OF
HUMAN RESOURCES

Ministry Reinstates Disabled Man's Medical Diet Allowance

Mr. A's unusual dietary requirements – the result of a medical condition – qualified him for a monthly supplementary diet allowance from the Ministry of Human Resources. He received that allowance without interruption for four consecutive years. When the allowance was abruptly discontinued, Mr. A learned that he would have to requalify.

Difficulties arose when Mr. A was unable to get information from the ministry on the requalification process. He was unable to contact his financial assistance worker by telephone and his first letter to her went unanswered. A second letter, sent two months later, generated a prompt reply that provided the needed information. Mr. A's requalification application was processed quickly and his allowance was reinstated.

Delays and communication problems stall dietary allowance.

In the complaint he brought to this office, Mr. A stated that he believed he should have been told of the ministry's decision to discontinue his supplementary diet allowance before it ended. He further argued that he was not given sufficient information to enable him to re-establish eligibility in a timely way.

Following a review of its records, the ministry was unable to determine whether Mr. A was informed in advance of the decision to cancel the allowance. Nor was it clear exactly when Mr. A was provided information on the requalification process. That said, as it appeared that the ministry might have been responsible for delay and/or communications problems, it agreed to backdate Mr. A's benefits. We considered the matter to be settled.

Case Summary 9

Form Limits Right to Work

AUTHORITY:
MINISTRY OF
ATTORNEY GENERAL

Mr. R, a licensed security alarm technician, moved to a small community where he found employment with six different companies. Sometime after he moved, the Security Programs Division of the Ministry of Attorney General advised him that he would have to limit his work to three employers. Mr. R saw this limit as unfair and arbitrary and contacted this office.

According to the division, licensing under the *Private Investigators and Security Agencies Act* is based on an employee/employer relationship. Division staff were trying to ensure that this relationship was maintained and that individuals were not contracting out their services rather than working as direct employees of specific companies.

New policy and forms more flexible.

However, when we investigated we found that the division did not have legislative authority for the limitation. Our review also found that the policy limit was deemed necessary only because the ministry's record keeping and forms could not accommodate consent from multiple employers.

Following the complaint, the Security Programs Division developed a new policy and supporting forms making it possible for a security technician to work for multiple employers. Subsequently, Mr. R was able to register a primary employer and other employers without limiting the number of companies for which he could work. The new policy is now available to everyone.

Is It Cosmetic or Plastic Surgery?

AUTHORITY:
COLLEGE OF PHYSICIANS AND SURGEONS OF BRITISH COLUMBIA

College clarifies qualifications for cosmetic surgery.

Ms. N's case began with a complaint to the College of Physicians and Surgeons of British Columbia about an ear, nose, and throat specialist who had performed cosmetic surgery on her face. Ms. N was dissatisfied with the results of the surgery and alleged that had she known that the specialist was not a plastic surgeon, she would not have gone to him.

The complaint Ms. N brought to this office stated that the College had failed to provide the public with sufficient information about the qualifications necessary to perform cosmetic versus plastic surgery. Ms. N also alleged that the College's investigation of her complaint had been inadequate.

Following extensive discussions, the College agreed to post a notice on its web site describing the various types of surgeons who may provide cosmetic surgery in B.C. (www.cpsbc.bc.ca/news/cosmetic.htm). In our opinion, this action settled the first part of the complaint. Ms. N agreed. Posting this type of information increases both the public's understanding of cosmetic surgery and its ability to make an informed choice when selecting a cosmetic surgeon.

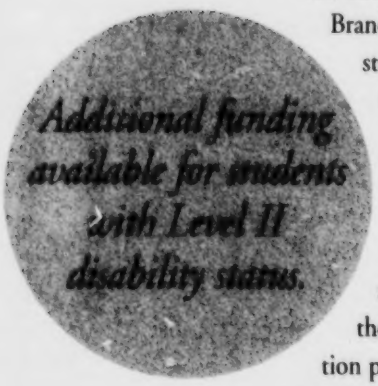
We were unable to substantiate the second part of Ms. N's complaint: that the College's investigation was inadequate. We noted that two deputy registrars, the Chair of the Quality of Medical Performance Committee and, later, the whole committee had considered the complaint. The complaint had been thoroughly investigated and the evidence supported the college's decision.

Case Summary 11

Disabled Student Receives Grant

AUTHORITY:
MINISTRY OF
ADVANCED
EDUCATION

Mr. W was receiving Level II disability assistance from the Ministry of Human Resources. When he enrolled in a program at a private community college, he applied for, and received, a student loan. However, every time he contacted the Student Services Branch of the Ministry of Advanced Education he was told that he was not a disabled student. In his complaint, Mr. W also alleged that the branch had failed to inform him of a federal grant of up to $5,000, and a provincial grant of up to $10,000, that he might have been entitled to receive as a student with permanent disabilities.



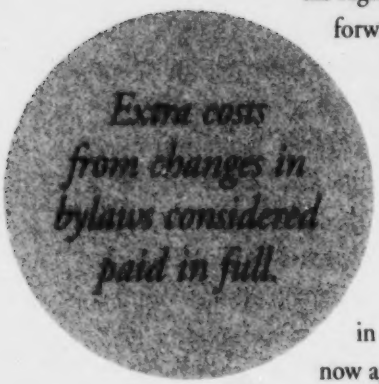
In response to the complaint the branch sent a representative to meet with Mr. W. This person apologized on behalf of the branch for the unsatisfactory service Mr. W had received and informed him that, as a result of his complaint, the branch had changed the British Columbia Student Assistance Program application package to provide more comprehensive funding information to students with permanent disabilities.

In addition, the Student Services Branch representative advised Mr. W that once documentation was submitted verifying his Level II disability status, the branch would arrange with his financial institution to have his entire student loan paid out through a grant, thereby reducing his student loan indebtedness to zero.

Case Summary 12

Advertising Doesn't Pay

AUTHORITY:
REGIONAL DISTRICT



The complaint Mr. M brought to this office concerned costs associated with informing the public of a hearing related to an application for rezoning. According to Mr. M, his regional district unfairly billed him for advertising costs that, at the time he put forward his development proposal, he was not required to pay.

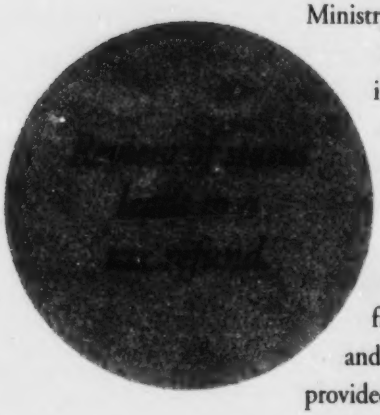
Mr. M stated that subsequent to filing his proposal, the regional district adopted a bylaw directing developers to cover the cost of advertising in two local papers. The complainant stated that the district had not told him he was responsible for the advertising costs prior to his being billed for them. Shortly following receipt of the second bill, the regional district amended the bylaw to require developers to pay for advertising in only one newspaper.

We notified the regional district of the sequence of events described in Mr. M's complaint. Officials reviewed the matter and informed us that they now agreed that changes in district bylaws should accrue to the benefit of applicants. In other words, bylaw changes should not create a retroactive debt. Consequently, the district decided that all fees previously assessed to Mr. M would be considered paid in full.

A Taxing Situation

AUTHORITY:
MINISTRY OF WATER, LAND AND AIR PROTECTION, B.C. ASSESSMENT AND B.C. ASSETS AND LAND CORPORATION

In 1995 the provincial government incorporated certain Crown Lands – then administered by the British Columbia Assets and Land Corporation (BCALC) – into a park. This brought the land under the jurisdiction of the *Park Act*, currently overseen by the Ministry of Water, Land and Air Protection (MWLAP).



Several people held Crown Land leases in the affected areas. Before incorporation into a park, these leases were taxed as if they were land held in fee simple: the assessed value included both land and improvements. However, improvements are not taxable under the *Park Act*. Unfortunately for the leaseholders, no one informed B.C. Assessment of the change in status of the land.

Some years after the creation of the park, Mr. F, a leaseholder, filed an appeal with B.C. Assessment requesting a refund of the improvement assessment from 1995, based on the provisions of the *Park Act*. The appeal was upheld and Mr. F received a reassessment that removed the improvement assessment and provided a refund for the year of his appeal and the previous year. B.C. Assessment stated that it did not have the statutory authority to refund the assessment for any other years.

Mr. F's complaint to this office noted that:

- it was an act of government that incorporated the land into a park;
- collecting taxes for improvements was contrary to the *Park Act* and, therefore, illegal; and
- the appellant should not be held responsible for any taxes on improvements after the land was incorporated into the park.

After discussing Mr. F's complaint with the authorities involved, it was agreed that government had failed to adequately inform leaseholders of their change in status. The ministry agreed that no tax should have been paid on improvements and began a process to provide rebates – including interest dating from the creation of the park – to all the affected leaseholders.

Case Summary 14

Just Say No

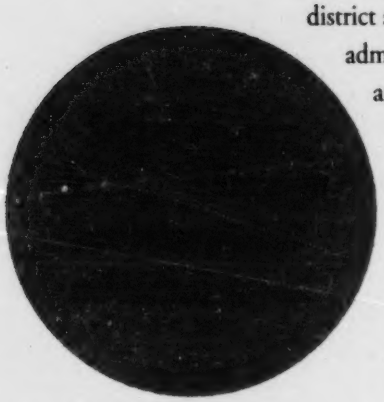
AUTHORITY:
SCHOOL DISTRICT

This investigation began with a complaint from a student about the way in which school district staff responded to suspicions that the student had engaged in drug use.

In the course of conducting the investigation, the Ombudsman became aware that the school district in question lacked an adequate policy to guide district staff when students were suspected of substance abuse, either during school functions or on school premises. This raised two concerns:

- It was possible that the process followed by staff in such circumstances could be unreasonable; and
- Students would not be aware of the process they would be part of if suspected of substance abuse.

Following discussions between this office and school district personnel, the district agreed to reconsider its guidelines on alcohol and drug consumption. The school district subsequently engaged in a comprehensive process to develop a policy to guide administrators when a student is suspected of being involved in substance abuse, and to establish the consequences for doing so. The objective was to ensure that the final version provided clear information to staff and students on the process to be followed by all concerned. This response addressed the concerns raised in the original complaint.



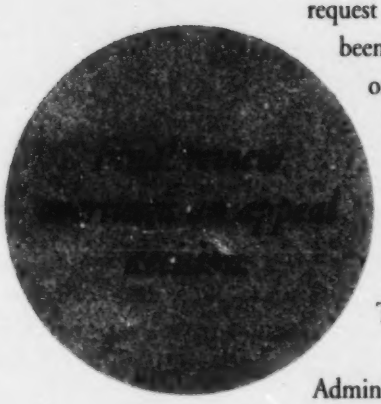
Eligibility Seesaw

AUTHORITY:
MINISTRY OF PROVINCIAL REVENUE, HOME OWNER GRANT ADMINISTRATION

Mr. P bought his home in 1991. He and his son subsequently lived in the basement of the house and rented out several suites.

In October 1997 Mr. P received a letter from the Home Owner Grant Administration advising him that he might not be eligible for the Home Owner Grant that he had received from 1991 to 1996. The letter asked Mr. P to prove his eligibility by sending specific documents.

According to the complaint Mr. P brought to this office, he complied with the request and sent the required documents. Hearing nothing further, he assumed he had been found eligible. However, in October 2000 Mr. P received another letter, this one advising him that he was not eligible for the grant. This was followed by a further review of the situation that resulted in Mr. P being advised "it appeared a mistake may have been made." He then received a letter advising him that he was eligible for the grant from 1998 to 2000. This in turn was followed by a letter telling him his file had been reviewed and the original decision still stood: he was not eligible for the Home Owner Grant from 1991 to 1997. This decision was upheld on appeal.



After reviewing the information provided by Mr. P to the Home Owner Grant Administration, we were of the view that he had provided sufficient evidence to prove that the house he and his son lived in was his principal residence during the time period in question. Consequently, we requested that the decision by the administration be reconsidered.

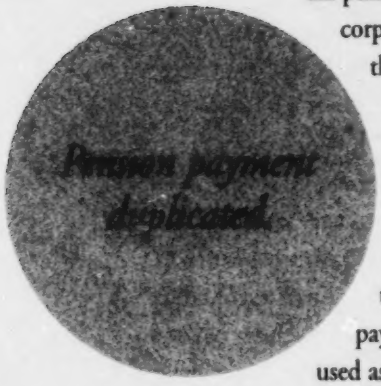
Following a final review of the file material, Mr. P received a letter informing him that he had been allowed the Home Owner Grant for 1991 to 1997 inclusive. The letter also included an apology.

Widow Receives Pension

AUTHORITY:
BRITISH COLUMBIA
PENSION
CORPORATION

Mrs. V, a widow and pensioner, complained to this office that the British Columbia Pension Corporation had temporarily discontinued her pension payments following the death of her husband, causing her unnecessary hardship. According to Mrs. V, she had been designated a joint beneficiary of her husband's pension and had expected the payments to continue uninterrupted. She also complained that the corporation was improperly deducting amounts they described as "overpayments" from her pension cheques.

On investigating, we learned that Mrs. V had failed to notify the Pension Corporation of her husband's death and that the corporation had continued to deposit his pension cheques into their joint bank account as if he were still alive. When the corporation learned of the death, it notified Mrs. V of the procedures to transfer the pension to her name and to receive other benefits. When Mrs. V failed to respond, the corporation halted payment of her deceased husband's pension while continuing to communicate with Mrs. V, explaining the need to provide the required documents.



Once Mrs. V provided the documents, the Pension Corporation paid her the pension benefits to which she was entitled, retroactive to the beginning of the month following her husband's death. It also deducted from her pension the payments erroneously made to her husband after his death, payments that she had used as if they were hers.

After consulting with this office, the Pension Corporation agreed to write to Mrs. V to explain the sequence of events and why the deduction was necessary. However, on reviewing the file, corporation officials discovered that a larger than appropriate amount had been deducted. This discovery led to an apology and to Mrs. V being reimbursed the difference.

While we considered this a satisfactory settlement of the complaint, we did decide to write to Mrs. V to ensure that she understood why the Pension Corporation had acted as it had, and why we considered her complaints resolved.

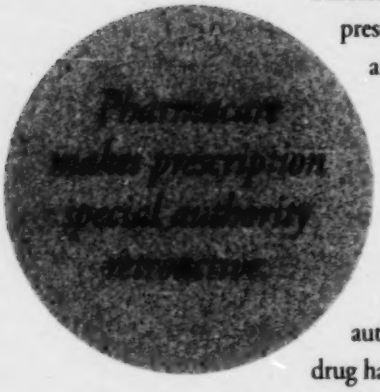
Case Summary 17

Paying the Price

AUTHORITY:
MINISTRY OF HEALTH

The Ministry of Health's Pharmacare Program does not pay for certain prescription drugs unless a patient's physician applies for special authority. The physician must justify the prescription, explaining why less expensive drugs cannot be used. If Pharmacare grants special authority, the effective date of coverage is the date of the physician's application.

Ms. R suffered from severe asthma. Having recently returned to this province from Alberta, she did not realize that some of the drugs she needed required special authority. Unfortunately, neither did her physician. As a result, when Ms. R went to fill her prescriptions she was surprised to find that she would have to pay the full price, amounting to several hundred dollars.



Needing the medication urgently, Ms. R paid, then returned to her physician who applied for the needed authority. Pharmacare accepted the physician's justification and granted the authority, but they were unwilling to cover the prescriptions already paid for by Ms. R. Ms. R felt this was unfair and contacted this office.

Pharmacare advised us that the physician is key to the success of the special authority process. When an application is received, Pharmacare assumes that the drug has not previously been prescribed for the patient, removing any need to make coverage retroactive. We pointed out to Pharmacare that this assumption might not be realistic; physicians claim that they are subjected to an ever-increasing volume of government-initiated paperwork, and competing pressures may, on occasion, delay an application.

Should it be Pharmacare or the patient that absorbs the cost of the prescription in such cases? The patient has virtually no control over which medications a physician chooses to prescribe, is typically unaware of the special authority status of specific drugs and is not in a position to ensure that the authority is obtained. At the same time, it is the patient that must pay the price if a physician fails to make an application.

We felt that this lack of control over the application process made it unfair for the patient to absorb the cost of the unauthorized prescription. In this case, Pharmacare agreed and covered Ms. R's costs. They will also consider retroactive coverage in future cases.

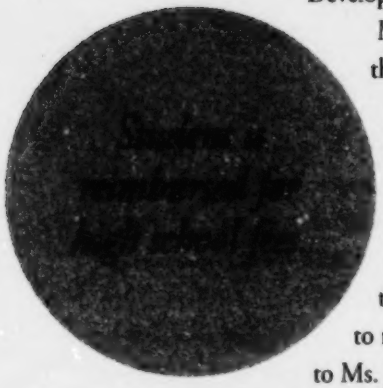
Case Summary 18

Fighting for an Education

AUTHORITY:
MINISTRY OF
HUMAN RESOURCES

Ms. J, an eighteen-year-old youth on income assistance, was enrolled in a high school diploma program. She paid the school fee out of her Income Assistance benefits, not realizing that the Ministry of Human Resources would cover the cost.

When Ms. J became aware that the ministry would pay her school fees, she advised the school district and believed that the school district issued a cheque for reimbursement to the ministry office. Ms. J then contacted her counsellor at the ministry's Skills Development Centre for help in obtaining a refund.



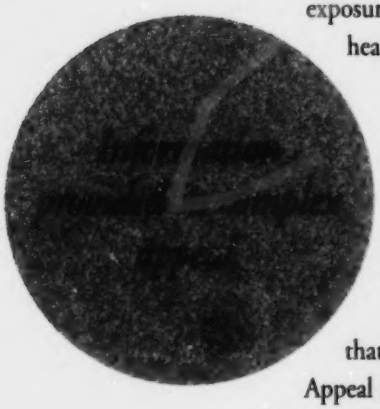
Ms. J's counsellor said that it was unlikely that she would receive a cheque from the ministry as there was no record that the school district had issued a refund to the ministry. Ms. J felt the ministry was acting unfairly by refusing to reimburse her. She subsequently contacted this office and we contacted the counsellor. The counsellor confirmed that both Ms. J. and the ministry had paid school fees but that the school district had not recorded a dual payment and therefore had not issued a reimbursement to the ministry. We then contacted the ministry district supervisor who agreed that Ms. J. was entitled to receive the money and arranged for the school district to issue a cheque directly to Ms. J.

Eventual Success on Appeal

AUTHORITY: WORKERS' COMPENSATION BOARD

Mrs. W contacted this office about the tragic situation of her adult son. According to Mrs. W, her son had been exposed to toxic fumes in the cab of a truck some years earlier, had suffered irreparable damage to his lungs and was now facing serious physical and financial hardship. She told us that she and her husband were elderly and could only offer limited assistance; they were very anxious about their son's future.

Mrs. W believed her son's injury was work-related, but the Workers' Compensation Board and the Workers' Compensation Review Board denied a relationship between the exposure and her son's symptoms or disability. The son had fought this decision until a heart attack and stroke left him unable to represent himself.



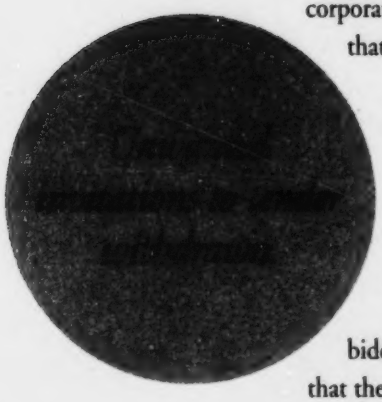
Although we could not investigate this case as it was under appeal, we did identify the type of medical information Mrs. W needed to obtain. We also suggested that she get authorization from her son to represent his interests to the authorities and medical personnel involved in his treatment, and referred her to the Workers' Advisers Office of the Ministry of Skills Development and Labour for help in presenting this complex case.

Mrs. W immediately followed up on our suggestions, later writing to advise us that her son had been successful on appeal to the Workers' Compensation Board's Appeal Division. Mrs. W told us the division found sufficient medical evidence that the lung damage caused by the toxic fumes had also led to her son's heart attack and stroke.

Mrs. W thanked us for our guidance and interest in her son's case. She also praised the competence and caring attitude of the workers' adviser who represented her son.

Just Don't Ask

AUTHORITY:
B.C. BUILDINGS CORPORATION



ABC, a company in a small B.C. community, had performed services for the B.C. Buildings Corporation (BCBC). However, over time the company's relationship with the corporation deteriorated to the point where ABC advised the corporation, in writing, that it did not wish to be considered for any future contracts.

Despite this notice, BCBC continued to include ABC on its list of bidders. Eventually, this led ABC to approach our office with concerns about irregularities in the corporation's bidding and tendering process. ABC was concerned that BCBC's continuing invitations to bid might create what the complainant believed was a false impression about the competitive nature of the bidding and tendering process.

Our investigation confirmed that BCBC had continued to include ABC on its bidders list. After discussing this matter with our office, BCBC wrote ABC, advising that the corporation was in error. The letter confirmed that ABC's wishes would be respected and that corrective action had been taken to ensure that the company would not receive further invitations. ABC was satisfied with this resolution.

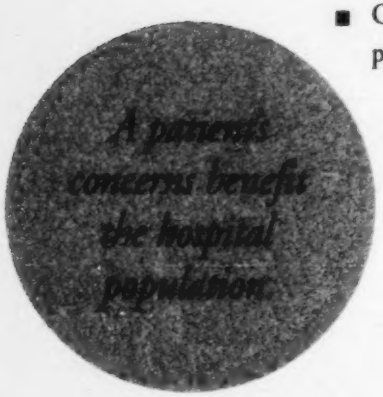
Sparkling Clean

AUTHORITY:
FORENSIC
PSYCHIATRIC
SERVICES
COMMISSION

Mr. C, a patient at the Forensic Psychiatric Hospital, contacted our office to complain about unsanitary conditions at the hospital. We brought these concerns to the attention of the C.E.O. of the Forensic Psychiatric Services Commission who assigned the matter to the Chair of the Patient Relations Committee. The Chair of the committee investigated, and the following changes were implemented.

- A check of sanitary and hygienic conditions on each unit has become part of the nursing staff's daily routine.
- A book has been placed on each unit so that unit staff and patients are able to notify house-keeping staff of cleaning concerns, enabling house-keeping to respond appropriately and promptly.
- Sanitation and hygiene has been made a standing item for the regular unit meetings between patients and staff.
- An ongoing review of each unit's expectations of the house-keeping contractor has been instituted. The review includes the need to adjust requirements to meet the demands of each particular unit. This is expected to result in increased responsiveness to the needs of the differing populations in each area in the hospital.
- There has been a review of supervisory practices relating to the house-keeping contract.
- Consideration has been given to minor structural changes that allow for increased privacy in washroom areas.

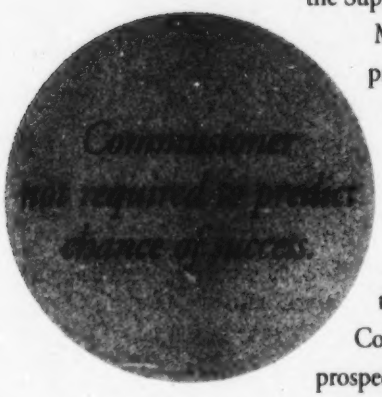
The Chair of the committee also wrote Mr. C – who had been discharged not long after making his complaint – thanking him for raising concerns to the benefit all of the hospital's patient population.



Duty Fulfilled

AUTHORITY:
CHIEF GOLD
COMMISSIONER

Mr. L, a prospector, took a dispute over a mineral claim to the Chief Gold Commissioner who made a determination favouring the other party. The Commissioner's written determination advised the prospector of his statutory right to appeal the ruling to the Supreme Court of B.C.



Mr. L hired a lawyer and went to court. The court dismissed his appeal, quoting precedent and referring to the concept of judicial deference to decisions of administrative tribunals. Consequently, Mr. L felt that the appeal had been a waste of time. He felt that the Commissioner had an obligation to inform him of the precedent setting case and the concept of judicial deference.

When Mr. L came to our office, we discussed his concerns with him and reviewed the documents he provided. It was clear from the available information that the Commissioner had not advised Mr. L to appeal. Rather, the Commissioner had carried out his statutory obligation and had informed the prospector of his right of appeal.

We advised Mr. L that if the Commissioner had failed to inform him of his right of appeal, it would be a matter of some concern to this office. However, in our view, the Commissioner was under no obligation to:

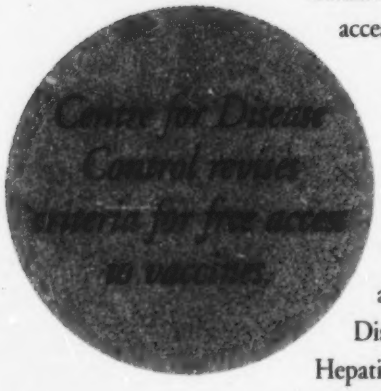
- predict how an Appellate Court might respond to an appeal; or
- inform the complainant of cases the Court might or might not choose to cite in responding to an appeal. That was a matter for Mr. L's legal counsel to take into consideration.

Having reviewed the information, we declined to investigate this complaint.

Free Vaccines

AUTHORITY:
HEALTH REGION

Because Ms. B suffered from a rare liver disease, her physician recommended that she be vaccinated against Hepatitis A and B to minimize the risk of added liver damage. However, since Ms. B's disease was not included under the British Columbia Centre for Disease Control's Immunization Program – one of the criteria that qualify patients for access to free vaccine – Ms. B's health region refused to pay for the vaccination.



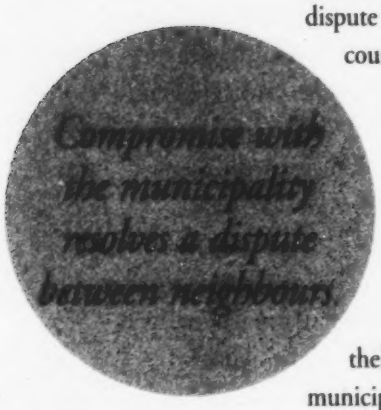
Ms. B felt this was unfair and brought her complaint to this office. We brought the complaint to the attention of the C.E.O. of the health region who acted to resolve the issue. One consequence of these actions was that the health region's Medical Health Officer contacted the Director of Epidemiology for the Centre for Disease Control to discuss the complainant's situation. As a result, the issue of free vaccines for those suffering from chronic liver disease was placed on the agenda for discussion at the fall 2001 meeting of the Centre's Communicable Disease Policy Committee. The health region agreed to provide Ms. B with free Hepatitis A and B vaccines before the results of that discussion were received.

On October 1, 2001, the Centre for Disease Control released the revised criteria for free vaccines. These criteria now include those who suffer with chronic liver disease.

Entrenched

AUTHORITY:
MUNICIPAL
GOVERNMENT

Mr. G represented two clients in a dispute with their municipality. The basis for the dispute was the client's sewer line, which trespassed on their neighbour's property. In the course of the dispute the neighbour had disconnected the sewer line.



According to Mr. G, under the sewer rate bylaw the portion of the sewer line in dispute was a "municipal sewer line." The municipality was, therefore, responsible for correcting the trespass. The municipality's position was that the dispute was a private matter between neighbours, a position that Mr. G argued was unreasonable on the grounds that the municipality had misinterpreted its own bylaw.

Both the municipality and Mr. G's clients had legal opinions supporting their interpretations of the bylaw. In addition, the neighbour had resisted the municipality's attempts to mediate the dispute: the parties were "entrenched."

Subsequent to Mr. G bringing his clients' complaint to this office, we worked with municipal administrators to reach the following resolutions:

- The municipality would make a "without prejudice" written offer to Mr. G's clients to extend the municipal sewer line to the clients' property line at no cost to the clients.
- The municipality would waive the $1700 fee for connecting to the municipal sewer line.
- Mr. G's clients would construct a new sewer line from their home to the new municipal sewer line at the boundary of their property.

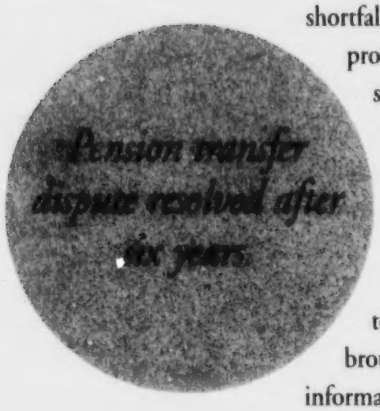
Mr. G's clients accepted the offer.

The Patience of Job

AUTHORITY:
BRITISH COLUMBIA
PENSION
CORPORATION

Mr. P worked in Alberta as a public servant for 18 years before taking a job with the public service in British Columbia in 1990. The reciprocity agreement in place between the two provinces at the time (now defunct) allowed an employee to transfer pension credits to B.C. rather than collect a pension from Alberta at retirement. Mr. P enquired about this transfer option and received and signed a transfer application. This application indicated that the transferred money might or might not be adequate to purchase the same years of pension credit in B.C. Mr. P signed without asking for more details.

In fact, pension credit transfers from Alberta generally resulted in a significant shortfall. Either the pension credits bought fewer years of service, or the employee had to provide additional funds. Staff in Alberta questioned Superannuation Commission staff about whether Mr. P had been informed of the effect of the transfer. Although the Alberta staff did not receive an answer, the pension credit transferred in 1992. Only then did Mr. P learn that either he would lose almost six of his 18 years service, or he would have to pay $34,000.



Mr. P spent a year trying to address the problem through discussions with the Superannuation Commission – including trying to return the money to Alberta – before contacting this office early in 1994. The complaint he brought forward was that the commission had failed to provide him with adequate information on which to make a prudent decision about his pension holdings.

The initial fact-finding portion of our investigation was complete by October 1994. The Ombudsman at that time reached tentative findings that, in fact, the commission had failed to provide appropriate and timely information, and that the value of Mr. P's pension was affected by that failure. The next two years were spent in discussions and correspondence between this office and the commission as we sought common ground both on the degree, if any, to which the commission had failed, and the financial effect of such a failure.

In late 1996, the matter remained unresolved and this office issued formal findings that the Superannuation Commission had been administratively negligent. The findings included a recommendation that the commission restore Mr. P to the financial position

he would have been in if he had not transferred his pension.

At this point, this office viewed the file as substantiated: there had been an unfairness which was unrectified and the complainant remained disadvantaged. This presented us with two options. We could report the case, close the file, and leave the inequity unaddressed, or we could continue discussions with the commission, seeking ways to achieve a settlement.

From October 1996 to June 2000 we pursued the latter course, discussing the apportionment of responsibility, the arcane and minute effects of actuarial computations, the effect of the creation of the British Columbia Pension Corporation, which superseded the Superannuation Commission, and the creation of new joint trustee pension boards.

In July 2000, our office and the British Columbia Pension Corporation agreed on what it would take to settle the matter fairly. However, according to the corporation, it could not make the proposed payment without permission of the Public Service Pension Advisory Board. That board declined to accept the settlement proposal in September 2000, shortly before being replaced by a new joint trustee board, the Public Service Pension Board of Trustees.

Initially it was not clear whether the Public Service Pension Board of Trustees came within our office's jurisdiction. In addition, the new board was reluctant to rectify an unfairness that had happened long before it was appointed.

In 2001 we wrote to the Minister of Finance asking that the government move to break the impasse and resolve the complaint. In December 2001, the ministry made a proposal that this office believed addressed conclusively the effect of the original omission on Mr. P's future pension rights. The proposal being satisfactory to Mr. P, the province made a payment to the Pension Corporation of one-half the amount necessary to purchase the 5.8 years of service "lost" when Mr. P moved to B.C. Mr. P has since purchased the balance, and our file has closed.

Throughout the years of investigation, Mr. P demonstrated both patience with the process and considerable belief in this office.

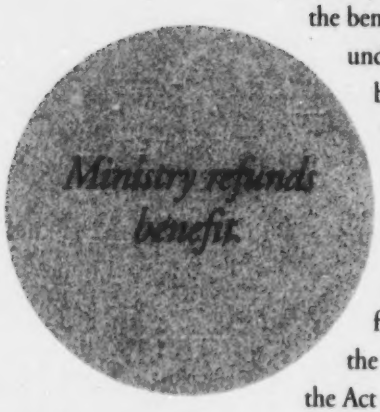
Inheritance Benefits Disabled Man

AUTHORITY:
MINISTRY OF HUMAN RESOURCES

When Mr. K's mother died, he applied to the court to have her will varied. In September 1997, the Supreme Court of British Columbia agreed and ordered that a piece of property dealt with in the will be liquidated and the proceeds placed in a trust. In turn, the interest from that trust was to be paid to Mr. K at a rate in keeping with section 6(e) of the *Disability Benefits Program Regulation – Schedule B*, being $5,484 annually. The court order was constructed to allow Mr. K to receive assistance with disability-related costs, while maintaining full disability benefits entitlement under the *Disability Benefits Program Act*.

After the trust was established (April 1998), issues arose over the particulars of the trust causing the Ministry of Human Resources to consider Mr. K in receipt of excess assets. This led to Mr. K's disability benefits being interrupted for several months.

In September 1998, the disability benefits were reinstated by a tribunal decision. However, the interest payments from the trust account continued to be deducted from the benefits, dollar for dollar, as the ministry was not satisfied that Mr. K met criteria under the Regulation that would allow the interest payments from the trust fund to be exempted as 'unearned' income. Mr. K's financial assistance worker indicated that she believed that he was required to submit receipts each month, along with a doctor's letter, to show that the interest from the trust had been spent on disability-related costs.



Mr. K argued that he was not required to spend the money every month and that in order to be exempted the only stipulation was that his total payments from the trust not exceed $5,484 per year. He further argued that costs covering the repairs and maintenance of a disabled person's home were allowable costs under the Act and that allowing monthly interest payments to accumulate to cover such costs would be acceptable.

In November 1998, the B.C. Benefits Coordinator sent a letter to a Community Law Office stating that the money from the trust was not considered an asset and that no further documentation was required. Mr. K believed that the matter was resolved; however the trust money had again been deducted from his benefits on his next cheque.

This issue remained unresolved until March 1999 when the B.C. Benefits Coordinator agreed that a yearly accounting from Mr. K of his disability-related expenditures met the Regulation's criteria. For his part, Mr. K submitted a full list of his disability-related costs, along with written confirmation from his doctor.

From April 1998 on, Mr. K received his full disability benefits. However, the matter of the trust money deducted from his benefits for the period September 1998 to March 1999 was never resolved. Mr. K asked that the money be reimbursed on the basis that the ministry had erred in insisting he produce monthly evidence of disability-related expenditures along with a doctor's letter of approval. The ministry refused on the basis that benefits could not be paid retroactively.

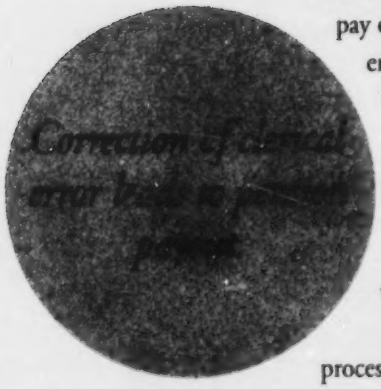
After reviewing the circumstances that led to the agreement in March 1999, this office asked the ministry to review the file and provide us with a rationale for their decision. Soon after, the ministry contacted our office and agreed to settle the matter by reimbursing the total amount.

Case Summary 27

Oops!

AUTHORITY:
MINISTRY OF
ATTORNEY GENERAL

Mr. O contacted this office to complain that his previous employer, a correctional centre, had subjected him to unreasonable delays in processing his termination notice. According to Mr. O, the Pension Corporation was unable to process his request to pay out his pension funds until it received a copy of the termination notice from his employer. Mr. O told us that it took two months for him to receive his copy of the notice and that the Pension Corporation still had not received its copy.



In the course of our inquiry, we discovered that the correctional centre had sent Mr. O's termination notice to the Ministry of Attorney General's Payroll Office. It is the responsibility of the Payroll Office to process the notice and send a copy to the Pension Corporation. In Mr. O's case it appeared that the file was archived before the notice was processed.

On being made aware of the mistake, the ministry took immediate steps to process the termination notice and apologise to Mr. O.

Case Summary 28

Never a Drop to Drink

AUTHORITY:
MINISTRY OF WATER, LAND AND AIR PROTECTION

Mr. N made an application to what is now the Ministry of Water, Land and Air Protection for a water licence on a particular river in a district in B.C. Eight years later he had yet to receive a formal response. However, in the meantime, his neighbour, who had a licence on the same river, was, according to Mr. N, taking far more water than that licence allowed. Mr. N complained to the ministry, but the ministry failed to act.

On investigating Mr. N's complaint, our office found approximately 1,500 back-logged water licence applications in this particular district. We also found that there was evidence compiled by ministry staff supporting Mr. N's allegations that his neighbour had not complied with the terms of the licence. The alleged contraventions dated back over five years.

The ministry responded to the backlog by developing an action plan, hiring extra staff, and forming teams to target areas with particularly large backlogs. The ministry also developed a more streamlined, less complicated process for water licence applications. Mr. N has subsequently received a response to his application and although a backlog still exists in the district, progress is being made and we continue to monitor the situation.

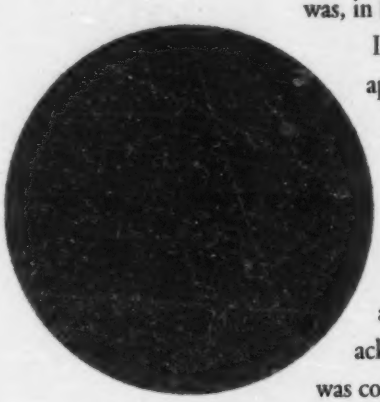
With respect to the apparently non-compliant licence, the ministry informed us that a lack of training for staff and the licensee's right to appeal any enforcement decision to the Environmental Appeal Board might have created an unwillingness to follow through on enforcement, even though it did appear there was evidence supporting Mr. N's allegations. We did not consider these reasonable rationales. The ministry has since agreed with us and commenced a formal investigation that resulted in an enforcement action.

The ministry apprised us of its decision to act and kept us informed of its progress. We considered this to be a reasonable response to the complainant's concerns and closed our file.

Ministry Pays for Error

AUTHORITY:
MINISTRY OF HUMAN RESOURCES

Although Mr. C had a significant disability and had received income assistance for some years, he had not completely given up the idea that he might someday be able to work again. With that in mind, he kept trying to re-train himself, and for some years was, in fact, successful in his goal.



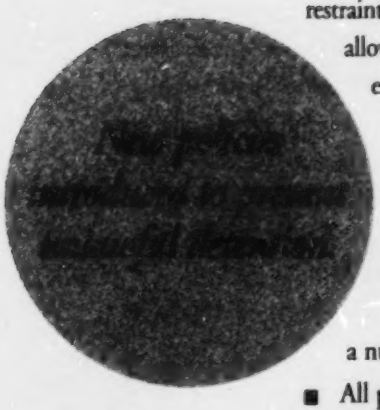
In the end, however, Mr. C's disability proved too severe, and he once again applied for income assistance. Under a previous version of the Ministry of Human Resource's legislation, he had been designated as "handicapped", entitling him to benefits at the highest level. Unfortunately, when transferring information to a new database, a clerk omitted the "handicapped" designation. Mr. C was assessed as "unemployable" entitling him to a lower level of benefits.

Some years passed before Mr. C realized he should have been entitled to a higher benefit level and informed the ministry of the error. The ministry acknowledged the error and gave him twelve months of retroactive benefits, which was consistent with a provision in legislation limiting retroactive payments. Mr. C felt that this was unfair. He felt he should receive the difference between the "handicapped" and "unemployable" rates for the whole of the period in question, and after writing to the minister without success, he contacted this office.

We reviewed the legislation that appeared to limit the ministry's ability to make retroactive payments and concluded that the provision was not intended to relieve the ministry of responsibility in this kind of situation. After some discussion, the ministry accepted this position and issued a cheque to Mr. C in the amount of $8,400. Mr. C told us that the decision restored his faith in the system.

Rights Curtailed

AUTHORITY:
REGIONAL HEALTH
AUTHORITY



Mr. K alleged to this office that he had received inappropriate treatment when he was brought to a hospital by the R.C.M.P., pursuant to s.28 of the *Mental Health Act*.

According to our investigation, Mr. K was brought to the hospital at about 5:00 p.m. He was placed in seclusion, in four point restraints, until 8:00 p.m., when the right wrist and leg restraints were removed. The remaining restraints were removed at 11:00 p.m. and he was allowed to leave, following an assessment by a physician. He was not admitted under either the *Mental Health Act* or the *Hospital Act*. A psychiatrist never assessed Mr. K.

From these facts, it appeared that Mr. K had been subjected to a significant limitation of his rights without the procedural safeguards afforded patients admitted under the *Mental Health Act*. Once he was restrained, the R.C.M.P. had left and Mr. K was no longer "under arrest." Consequently, he may have been unlawfully detained by the hospital.

Following extensive discussion with this office, the health region implemented a number of changes to policy and procedure, including:

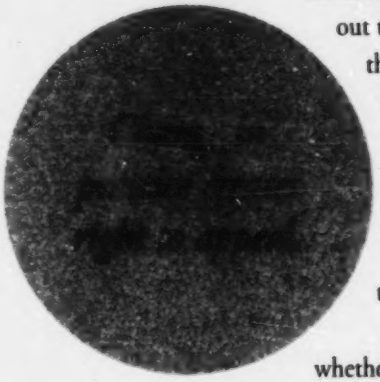
- All patients brought in by the R.C.M.P. pursuant to s.28 of the *Mental Health Act* are to be assigned a triage category of "Urgent" or "Emergent", using the Canadian Triage Acuity Scale.
- Emergency physicians will assess the patient within the timelines provided by the Acuity Scale, those being 15 minutes or less for emergent cases, and 30 minutes or less for urgent cases.
- The R.C.M.P. will retain custody of the patient until the physician has completed the medical certificate required for involuntary committal under the *Mental Health Act*.

The health region also developed policy to manage the transfer of custody of patients brought in under s.28 of the Act, once the physician has completed the required medical certificate.

In addition, the health region wrote to Mr. K acknowledging his dissatisfaction with the care he received and detailing the changes to policy and procedures that had resulted from this investigation. We felt that the action taken by the region settled this complaint. Mr. K agreed.

Collection Agent Oversteps Bounds

AUTHORITY:
EMPLOYMENT
STANDARDS BRANCH



Mrs. T, whose company operates a grocery store, complained to this office that the Employment Standards Branch had improperly placed a "Demand Notice" on her business account. The notice was served by a private debt collection agency contracted by the branch to enforce payment of wages under the *Employment Standards Act*. It turned out that Mr. T owed wages to staff from a former business that he had operated. If the branch could collect money owed to Mr. T, it could then be distributed to his former staff. The demand notice was placed on Mrs. T's account in the belief that she owed money to Mr. T.

Mrs. T denied having employed her husband or owing wages to him and refused to pay the demand. The agency then served a Demand Notice on her business bank account. As a result, Mrs. T was unable to operate her business through that account and her business relationship with her bank was damaged.

We wrote to the Director of the Employment Standards Branch questioning whether the agent had legal authority to serve a Demand Notice on Mrs. T's business bank account. We also asked the branch to review its enforcement procedures under s.90 of the *Employment Standards Act*.

The director of the branch referred the matter to legal counsel who confirmed to us that the branch had agreed to remove the Demand Notice from Mrs. T's business bank account. Counsel also confirmed that the branch has changed its practice under s.90 of the Act. Now, if a party fails or refuses to comply with a Demand Notice, the branch will investigate the reasons for the refusal and, if it believes that the refusal is without lawful or reasonable excuse, it will issue a formal determination against the party.

A determination can then be appealed to the Employment Standards Tribunal, a body authorized to make binding decisions on actions taken under the Act. Had this practice been in place when Mrs. T's company refused to pay her husband's debt, Mrs. T would have had an opportunity to appeal the branch's actions to the tribunal.

Willemar Bluffs Update

In June 1997 the Ombudsman issued *Special Report 19: An Investigation into the Instability and Recession of Willemar Bluffs (Regional District of Comox-Strathcona)* to the British Columbia Legislative Assembly. The *Special Report* traced an investigation commenced in 1987 on the complaints of landowners who said that Willemar Bluffs, a natural quadra sand deposit located along the beachfront, approximately two km. east of Comox, British Columbia, on which they had built their houses, had eroded at an excessive rate since 1982 when the regional district installed a sewer pipeline.

A brief summary of the complaints, as reported in *Special Report 19,* follows:

The Bluffs rise from the ocean approximately forty metres in places, and extend several hundred metres at a point between Point Holmes and Goose Spit. Until the early 1980s, the Bluffs were covered in most places with vegetation, including alder and fir trees, brush, flowering plants and grasses, and the toe of the Bluffs was protected by a layer of beach rock. This vegetation and rock, which had accumulated over a period of many decades, served to protect the Bluffs from excessive erosion. In addition, a reef extended perpendicular from the toe of the Bluffs at a location known as Stoker's Point, which had for years served to further protect the Bluffs from undue erosion as it diffused wave impact and limited the natural process of sand being swept away along the base of the Bluffs.

In the early 1980s the Regional District of Comox-Strathcona proposed to install a sewer pipeline along the foreshore of Willemar Bluffs, to transport sewage from the City of Courtenay to a treatment station. Approval for a "sanitary sewer pipeline over unsurveyed foreshore" was granted by the then Ministry of Lands, Parks and Housing on July 23, 1982. This approval was granted "subject to the following terms and conditions." Among those terms and conditions were:

- *The foreshore is to be returned to its natural condition after construction is completed.*
- *Late spring and summer (i.e. March to October) are the recommended months for construction. Mitigation may be called for during construction.*

- *All contractors are to be made aware of the environmental concerns and performance bonds posted to ensure their compliance.*

Due to delays in the project, the sewer pipeline was actually installed in November–December 1982. During this stormy, high tide period, part of the disturbed foreshore was washed out to sea, making it necessary for the contractor to stabilize the pipeline by using rock from the reef and foreshore, an activity noted by numerous area residents and documented in photographs.

Shortly after this construction, numerous individuals living and owning property atop the Bluffs complained that their properties were experiencing accelerated and undue erosion with the result that they were losing considerable portions of land atop the foreshore. While complainants acknowledged that, like similar bluffs in the Gulf Island area, natural erosion patterns were evident on Willemar Bluffs, they noted that the frequency, magnitude and cyclical nature of erosion events had, since the installation of the sewer pipeline, come to greatly exceed the long-term historic pattern. They supported this claim through personal knowledge of the area – one complainant had observed the bluffs over a seventy-five year period – as well as maps, surveys and photographs.

In November 1983 the regional district responded to one property owner's concerns about the destruction of the reef. The letter stated in part:

> *The matter of [the reef at] Stoker's Point has been recognized as a deficiency to the foreshore contract. Pursuant to Article 27 to the contract, the contractor is to be served with 10 days notice to correct the deficiency.*

In April 1985 some work was undertaken to restore the reef. This restoration work apparently consisted of dumping several loads of rock, resulting in a formation that was not similar in size, shape or stability to the original reef clearly noted in historical aerial photographs of the area. The "restored" reef, paid for with "holdback" funds, was not able to withstand natural ocean action, and within a period of months some of the rock sank into the sand while other rock was scattered.

The affected homeowners were very active early on in seeking to have their concerns addressed. However, for a variety of reasons they had difficulty in getting all involved parties to respond to their requests. *Special Report 19* details the exhaustive negotiations the Ombudsman Office had with the parties and reports the refusal of the regional district to accept this office's recommendation that the district undertake specific restoration work to the foreshore of the Bluff.

It is very clear that the erosion of Willemar Bluffs has had a profound effect not only on the property, but also on the lives of the residents, many of whom have a deep and personal commitment to the land in questions. According to one homeowner:

The upset to Bluff property owners' lives brought about by this sewage disaster is immeasurable. Aside from seeing their magnificent natural area, with its delightful shoreline community of birds, animals, marine life and vegetation totally destroyed as their properties drop away by the ton, there is the constant strain of taking photographs and measurements, accumulating evidence, trying to get beach repairs made and redress for loss of land, as well as depression to their property values. Writing letters, making telephone calls, attempting to get action from politicians, and recording the disaster as it proceeds, and being brushed off by each level of government takes an awful toll on the lives of residents...

It is with mixed feelings that I now report on the resolution of the complaint.

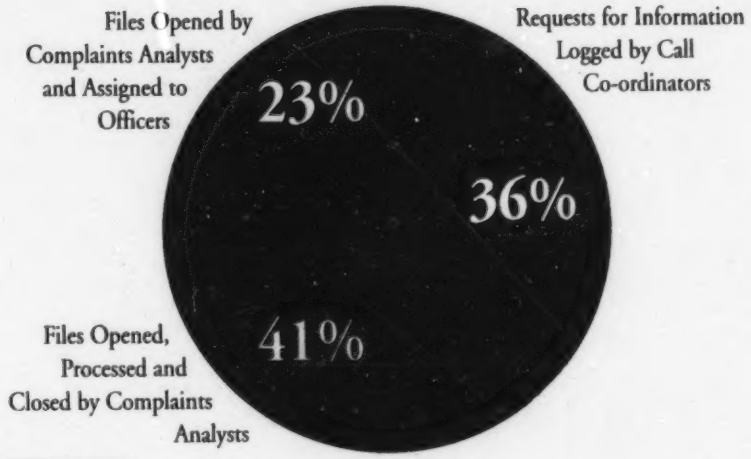
In November 2001 the Comox-Strathcona Regional District advised my office that all parties had reached a resolution of the issues. This resolution came in the form of a settlement of a civil suit brought by some of the homeowners against the regional district and others. The suit alleged that negligence in installing the sewer pipeline gave rise to the erosion.

Part of the settlement with the homeowners is an agreement by the regional district that it will take reasonable steps to repair any property of the owners that might be damaged by the district having to often access the foreshore via the owners' properties. Some of the settlement funds will no doubt go to protect Willemar Bluffs from further erosion.

While I am happy for the homeowners that this complaint has been settled, I am mindful that perhaps this matter could have been concluded with better results. In March 1993, following negotiations among this office, the then Ministry of Environment and Crown Lands and interested parties, the ministry agreed to provide an *ex gratia* payment of $250,000 to restore the foreshore fronting the Bluffs. If the regional district had accepted that offer and the obligations associated with it, the homeowners on Willemar Bluffs would have avoided nine more years of aggravation and expenses to end this longstanding grievance.

Statistics — How Intakes Were Processed

Total Intakes: 11,048


Files Opened by Complaints Analysts and Assigned to Officers
23%
Requests for Information Logged by Call Co-ordinators
36%
Files Opened, Processed and Closed by Complaints Analysts
41%

Requests for help coming into the Office of the Ombudsman

- Written requests by letter and Internet complaint form
- Phone calls and people coming to the Office in person

Call Co-ordinators
Process phone calls and walk-ins

- Further assistance required – pass information to Complaints Analysts
- Call Co-ordinator able to answer question or make referral

Call Co-ordinator logs a request for information
(**3,950** requests for information were logged by Call Co-ordinators)

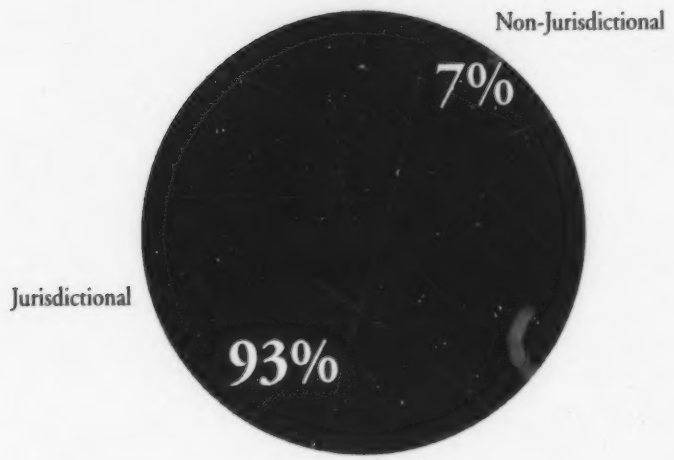
Complaints Analysts
Collect information and open files
(**7,098** files were opened by the Complaints Analysts)

- File not closed at intake – assigned to an Officer
- File closed at intake (referrals, enquiries, non-jurisdictional, etc.)

Complaints Analyst closes the file
(**4,564** files were closed at intake by the Complaints Analysts)

Ombudsman Officers
Investigate complaints
(**2,534** new cases were assigned to Ombudsman Officers)

Statistics Files Opened

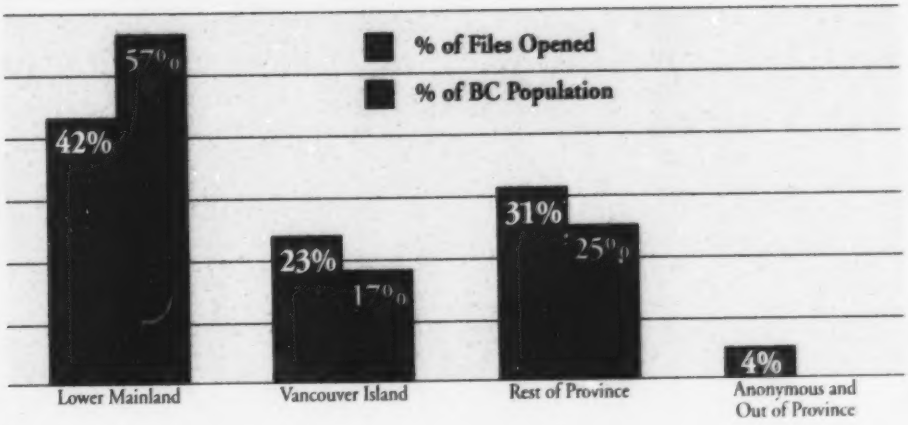


Intakes

	Jurisdictional	Non-Jurisdictional	**Totals**
Requests for Information	2,098	1,852	**3,950**
Files Opened	6,597	501	**7,098**
Totals	**8,695**	**2,353**	**11,048**

Jurisdictional Files Opened

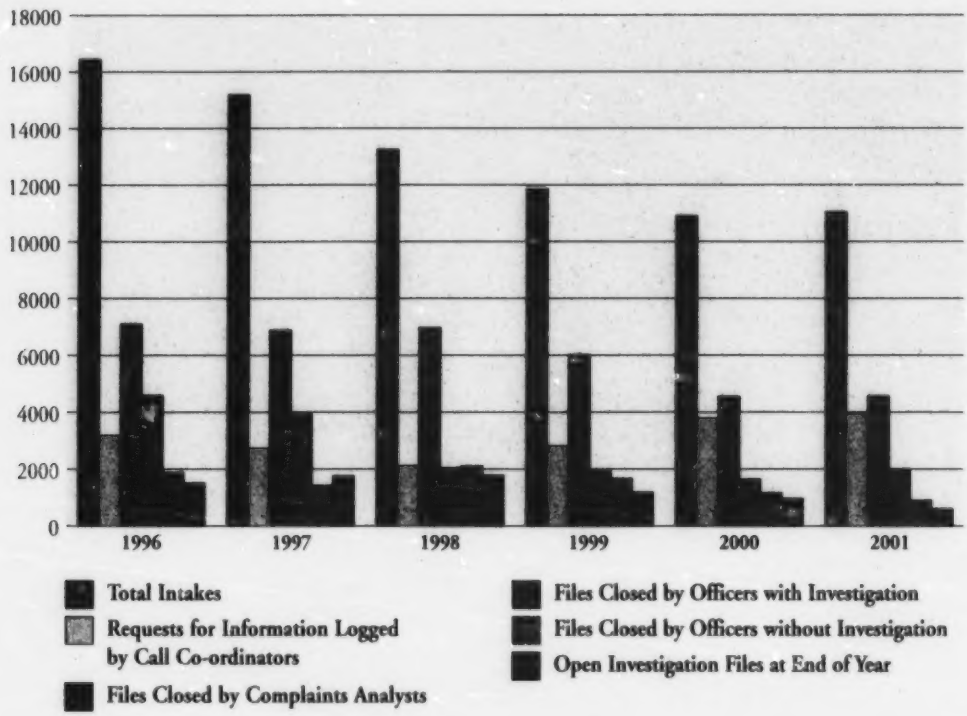
Geographical Distribution of Files vs. Population



Breakdown of Files Opened by Region

	Total Files Opened	Total Jurisdictional Files Opened
Lower Mainland	2,919	2,756
Vancouver Island	1,622	1,530
Rest of Province	2,185	2,057
Anonymous	276	176
Out of Province	96	78
Totals	**7,098**	**6,597**

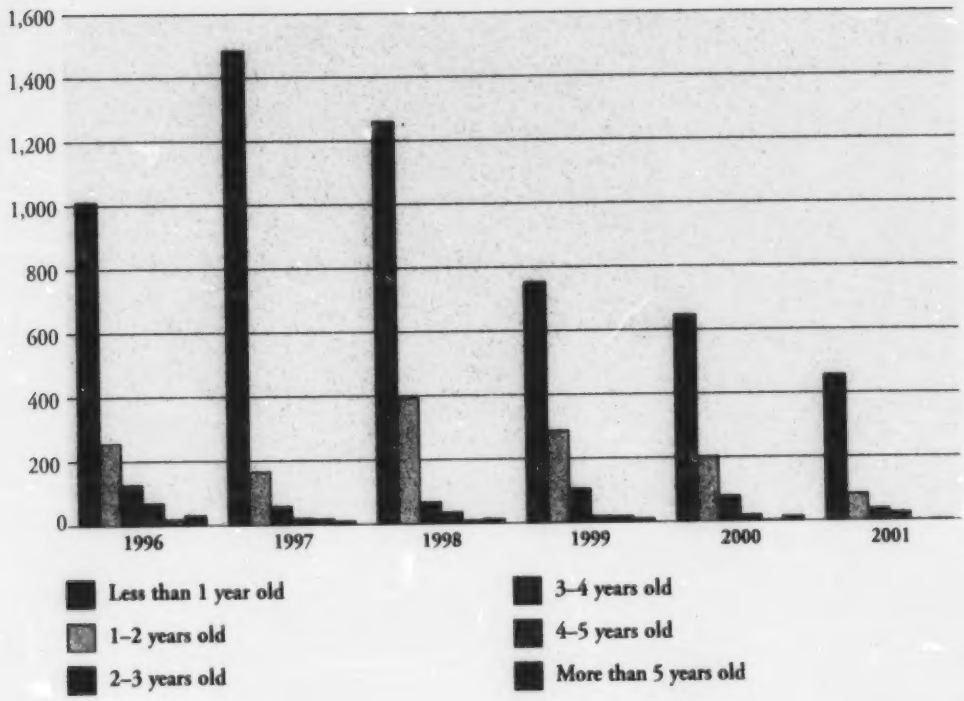
Statistics Office Case Load



Breakdown of Office Case Activity

	1996	1997	1998	1999	2000	2001
Open at the Beginning of the Year	**1,791**	**1,509**	**1,755**	**1,779**	**1,191**	**964**
Requests for Information – Jurisdictional	1,002	989	1,248	1,590	2,212	2,098
Requests for Information – Non Jurisdictional	2,192	1,753	884	1,237	1,585	1,852
Files Opened – Jurisdictional	11,865	11,313	10,179	8,297	6,582	6,597
Files Opened – Non Jurisdictional	1,382	1,132	941	742	526	501
Total Intakes	**16,441**	**15,187**	**13,252**	**11,866**	**10,905**	**11,048**
Requests for Information Logged by Call-Coordinators	3,194	2,742	2,132	2,827	3,797	3,950
Files Closed by Complaints Analysts	7,096	6,880	6,963	6,014	4,544	4,566
Total Closed at Intake	**10,290**	**9,622**	**9,095**	**8,841**	**8,341**	**8,516**
Files Closed by Officers with Investigation	4,590	3,919	2,050	1,959	1,646	2,009
Files Closed by Officers without Investigation	1,888	1,431	2,111	1,675	1,170	907
Total Closed by Officers	**6,478**	**5,350**	**4,161**	**3,634**	**2,816**	**2,916**
Files Reopened	**45**	**31**	**28**	**21**	**25**	**25**
Open at the End of the Year	**1,509**	**1,755**	**1,779**	**1,191**	**964**	**605**

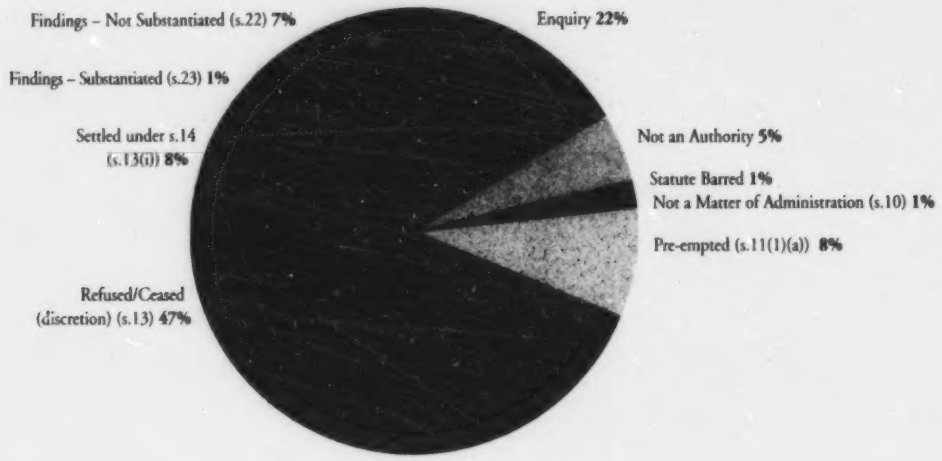
Statistics Age Distribution of Open Files



Number of Files Open at the End of Each Year

	1996	1997	1998	1999	2000	2001
Less than 1 year old	1,010	1,485	1,260	752	646	455
1–2 years old	255	166	394	287	203	84
2–3 years old	126	57	67	105	79	37
3–4 years old	69	20	35	19	19	25
4–5 years old	19	17	10	18	3	1
More than 5 years old	30	10	13	10	14	3
Total open files	**1,509**	**1,755**	**1,779**	**1,191**	**964**	**605**

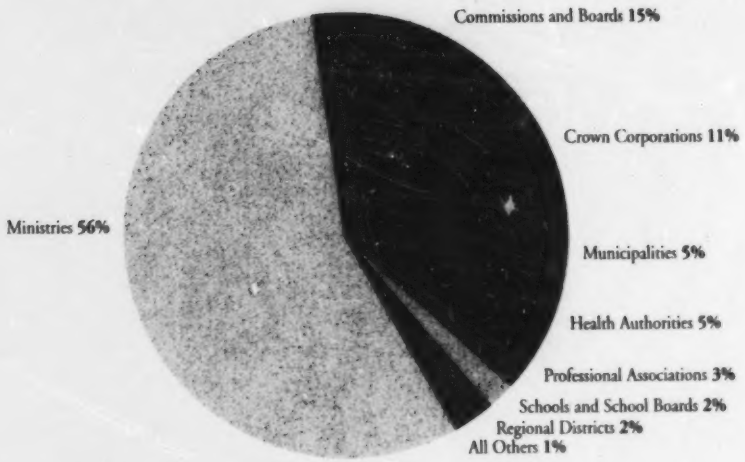
How Files Were Closed


Findings – Not Substantiated (s.22) 7%
Enquiry 22%
Findings – Substantiated (s.23) 1%
Settled under s.14 (s.13(i)) 8%
Not an Authority 5%
Statute Barred 1%
Not a Matter of Administration (s.10) 1%
Pre-empted (s.11(1)(a)) 8%
Refused/Ceased (discretion) (s.13) 47%

Closing Status	No Investigation	Investigation	Total
Enquiry	**1596**	**NA**	**1596**
Not an authority	**406**	**NA**	**406**
Statute barred	**102**	**NA**	**102**
Not a matter of administration (s.10)	**65**	**5**	**70**
Pre-empted (s.11(1)(a))	**599**	**18**	**617**
Refused/Ceased (discretion) (s.13)	**2705**	**736**	**3441**
s.13(a)	1	0	1
s.13(b)	10	2	12
s.13(c)	2181	187	2368
s.13(d)	0	0	0
s.13(e)	162	397	559
s.13(f)	60	62	122
s.13(g)	125	32	157
s.13(h)	166	56	222
Settled under s.14 (s.13(i))	**NA**	**607**	**607**
Findings – Substantiated (s.23)	**NA**	**105**	**105**
Findings – Not Substantiated (s.22)	**NA**	**538**	**538**
Total Files Closed	**5,473**	**2,009**	**7,482**

Files Closed

Authority Distribution



Ministries (56%)	
Ministry of Human Resources	41.2%
Ministry of Children and Family Development	18.2%
Ministry of Attorney General	11.3%
Ministry of Public Safety and Solicitor General	11.2%
Ministry of Transportation	3.4%
Ministry of Health Services	3.3%
Ministry of Skills Development and Labour	2.0%
Ministry of Water, Land and Air Protection	1.6%
Ministry of Forests	1.4%
Ministry of Finance	1.2%
Ministry of Provincial Revenue	1.1%
Ministry of Advanced Education	1.1%
Other Ministries	2.9%

Commissions and Boards (15%)	
Workers Compensation Board	41.7%
Residential Tenancy Office	11.1%
Workers Compensation Review Board	5.7%
BC Housing	5.4%
Public Guardian and Trustee (Adult)	5.3%
Human Rights Commission	3.9%
Pension Corporation	3.7%
Labour Relations Board	2.2%
Employment Standards Tribunal	2.0%
Emergency Health Services Commission	1.6%
Translink	1.6%
Public Guardian and Trustee (Youth)	1.5%
Motor Carrier Commission	1.3%
BC Securities Commission	1.1%
Financial Institutions Commission	1.1%

Crown Corporations (11%)

Insurance Corporation of BC	50.0%
BC Hydro and Power Authority	22.2%
Forest Renewal BC	14.6%
BC Assets and Land Corporation	3.9%
BC Transit	2.7%
BC Assessment	2.4%
BC Rail	1.3%
Other Crown Corporations	2.9%

Municipalities (5%)

City of Vancouver	9.3%
City of Nanaimo	6.6%
City of Victoria	6.6%
City of Surrey	5.1%
City of Port Alberni	3.2%
City of Prince George	2.9%
City of Kamloops	2.1%
District of Hope	2.1%
District of Saanich	2.1%
District of Sechelt	2.1%
District of Squamish	2.1%
Other Municipalities	55.6%

Health Authorities (5%)

Vancouver Island Health Authority	24.7%
Vancouver Coastal Health Authority	18.7%
Interior Health Authority	17.4%
Fraser Health Authority	16.5%
Other Health Authorities	22.8%

Professional Associations (3%)

College of Physicians and Surgeons of BC	25.5%
Law Society of British Columbia	15.7%
College of Traditional Chinese Medicine and Acupuncturists of BC	12.0%
College of Denturists of BC	9.3%
College of Dental Surgeons of BC	8.3%
College of Psychologists of BC	7.9%
College of Teachers	7.4%
Registered Nurses Association of BC	5.6%
Other Professional Associations	12.4%

Schools and School Boards (2%)

School District 61 (Greater Victoria)	9.6%
School District 68 (Nanaimo-Ladysmith)	6.0%
School District 27 (Cariboo-Chilcotin)	5.4%
School District 34 (Abbotsford)	4.8%
School District 05 (Southeast Kootenay)	4.2%
School District 75 (Mission)	4.2%
School District 23 (Central Okanagan)	3.6%
School District 33 (Chilliwack)	3.6%
School District 38 (Richmond)	3.6%
School District 39 (Vancouver	3.6%
School District 63 (Saanich)	3.6%
Other School Districts	47.6%

Regional Districts (2%)

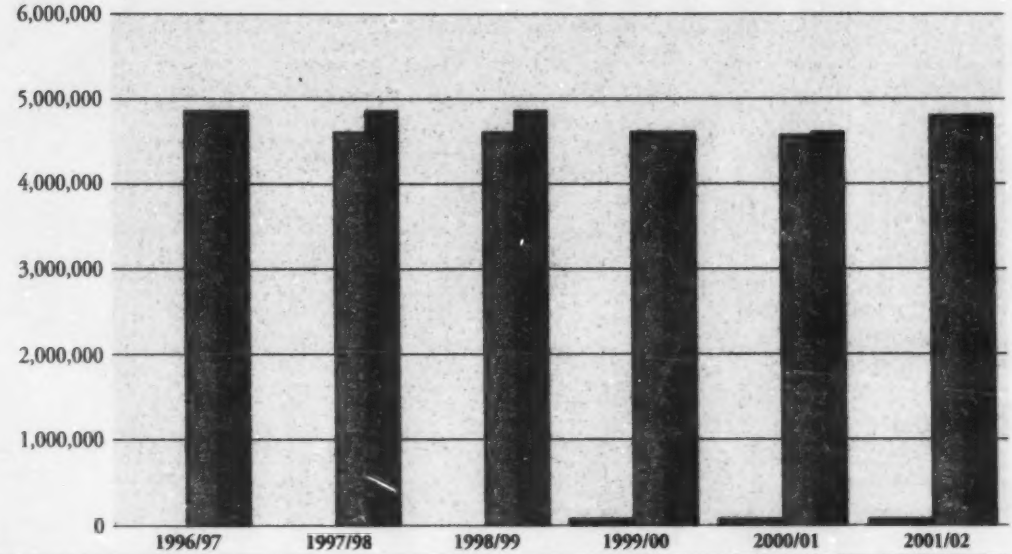
Capital Regional District	20.9%
Okanagan-Similkameen Regional District	9.1%
Cowichan Valley Regional District	8.2%
Alberni-Clayoquot Regional District	6.4%
Central Okanagan Regional District	5.5%
Comox-Strathcona Regional District	5.5%
North Okanagan Regional District	5.5%
Cariboo Regional District	4.5%
Greater Vancouver Regional District	4.5%
Other Regional Districts	30.0%

All Others (1%)

Colleges	44.9%
Universities	28.1%
Improvement Districts	10.1%
Islands Trust	10.1%
Libraries	5.6%
Regional Parks Boards	1.1%

Statistics

Budget Summary



	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02
Actual Capital Expenditure				48,000	52,000	59,000
Capital Budget				54,000	54,000	59,000
Actual Operating Expenditure	4,806,000	4,680,000	4,680,000	4,663,000	4,530,000	4,760,000
Operating Budget	4,819,000	4,807,000	4,829,000	4,663,000	4,610,000	4,765,000
FTEs	50	50	50	50	50	50

Notes

The operating budget for 1997/98 includes $132,000 accessed from the contingencies vote to assist with upgrading computer systems.

The operating budget for 1998/99 includes adjustments made to implement amortization of the capital costs of computer hardware and software.

The operating budget for 1999/00 includes $8,000 accessed from contingencies to adjust for an inadequate allocation for amortization expenditures.

A separate capital budget was introduced in 1999/00 for computer hardware and software purchases.

Statistics 2001 Authority Details

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of 01 Jan 2001	Requests for Information in 2001	Files Closed in 2001							Files Open as of 31 Dec 2001
			Enquiries	"Declined (s.10, 11)"	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Files Closed	
MINISTRIES	**342**	**854**	**767**	**604**	**1982**	**328**	**242**	**0**	**3923**	**246**
Ministry of Advanced Education	8	3	15	2	9	9	7	0	42	6
Ministry of Agriculture, Food and Fisheries	3	0	2	0	1	0	2	0	5	0
Ministry of Attorney General	48	246	110	28	267	24	14	0	443	17
Ministry of Children and Family Development	42	8	130	13	461	86	25	0	715	53
Ministry of Community, Aboriginal and Womens Services	5	3	6	0	5	4	1	0	16	5
Ministry of Competition, Science and Enterprise	2	12	4	0	5	0	2	0	11	1
Ministry of Education	6	3	9	1	2	1	4	0	17	1
Ministry of Energy and Mines	10	0	3	0	9	1	3	0	16	4
Ministry of Finance	17	22	13	0	13	10	13	0	49	4
Ministry of Forests	25	0	15	0	18	9	14	0	56	11
Ministry of Health Planning	2	1	13	1	9	2	1	0	26	1
Ministry of Health Services	12	10	39	3	40	28	21	0	131	15
Ministry of Human Resources	44	84	216	538	753	66	44	0	1617	42
Ministry of Management Services	0	30	4	0	1	0	0	0	5	0
Ministry of Provincial Revenue	9	0	10	2	17	7	7	0	43	16
Ministry of Public Safety and Solicitor General	9	343	80	7	300	32	22	0	441	31
Ministry of Skills Development and Labour	16	76	30	3	26	10	8	0	77	5
Ministry of Sustainable Resource Management	5	1	8	0	1	3	4	0	16	7
Ministry of Transportation	49	10	38	4	27	25	39	0	133	19
Ministry of Water, Land and Air Protection	30	2	22	2	18	11	11	0	64	8
COMMISSIONS AND BOARDS	**172**	**817**	**297**	**94**	**440**	**106**	**94**	**1**	**1032**	**113**
BC Benefits Appeal Board	1	0	0	0	4	0	1	0	5	0
BC Gaming Commission	0	1	0	0	0	1	0	0	1	0
BC Housing	2	2	11	0	39	0	6	0	56	0
BC Racing Commission	1	0	0	0	1	0	0	0	1	0
BC Review Board	0	0	0	0	0	1	0	0	1	1
BC Securities Commission	3	3	4	1	3	1	2	0	11	1
BC Utilities Commission	2	35	6	0	2	0	0	0	8	0
Board of Examiners in Optometry	0	0	1	0	0	0	0	0	1	0
Board of Hearing Aid Dealers and Consultants	2	0	0	0	0	2	0	0	2	0
Board of Parole	0	0	1	0	1	2	0	0	4	0
Children's Commission	1	4	2	0	2	0	0	0	4	2
Commercial Appeals Commission	0	0	1	0	0	0	0	0	1	0
Coroners Service	4	0	2	0	2	3	1	0	8	3
Cosmetologists Association of BC	0	0	0	0	1	0	0	0	1	1

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of 01 Jan 2001	Requests for Information in 2001	Files Closed in 2001							Files Open as of 31 Dec 2001
			Enquiries	"Declined (s.10, 11)"	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Files Closed	
Electoral Boundaries Commission	2	0	0	0	0	0	2	0	2	0
Emergency Health Services Commission	2	0	3	0	8	2	4	0	17	2
Employment Standards Tribunal	14	0	3	0	11	1	6	0	21	1
Environmental Appeal Board	4	0	1	0	2	2	1	0	6	1
Expropriation Compensation Board	0	0	1	0	0	0	0	0	1	0
Financial Institutions Commission	2	8	7	0	2	0	2	0	11	0
Forest Practices Board	1	0	0	0	1	0	0	0	1	0
Health Employers Association of BC	1	0	0	0	0	0	0	0	0	1
Health Professions Council	0	0	0	0	0	0	0	0	0	1
Healthcare Labour Adjustment Agency	1	0	0	0	0	0	0	0	0	1
Human Rights Commission	10	11	12	1	14	8	5	0	40	9
Human Rights Tribunal	1	0	0	0	0	0	0	0	0	2
Industry Training and Apprenticeship Commission	0	0	2	0	1	0	0	0	3	0
Insurance Council of BC	2	2	6	0	2	0	1	0	9	1
Labour Relations Board	3	15	9	1	9	2	2	0	23	2
Land Reserve Commission	2	0	1	0	6	1	1	0	9	1
Land Use Coordination Office	0	0	1	0	1	0	0	0	2	0
Liquor Appeal Board	0	0	1	0	0	0	0	0	1	0
Mediation and Arbitration Board	1	0	0	0	0	0	1	0	1	0
Medical Services Commission	0	0	2	0	0	0	0	0	2	0
Motor Carrier Commission	0	0	8	1	3	0	1	0	13	0
Motor Dealer Customer Compensation Fund Board	0	0	0	0	1	0	1	0	2	0
Okanagan Kootenay Sterile Insect Release Board	0	0	0	0	1	0	0	0	1	0
Pension Corporation	19	0	12	1	8	13	3	1	38	11
Premier's Office	0	0	2	0	0	0	0	0	2	0
Private Post-Secondary Education Commission	4	10	3	0	5	0	0	0	8	3
Property Assessment Appeal Board	1	0	0	0	0	0	1	0	1	0
Provincial Capital Commission	1	0	0	0	0	0	2	0	2	0
Public Guardian and Trustee (Adult)	8	1	11	1	31	9	3	0	55	12
Public Guardian and Trustee (Youth)	3	0	3	1	8	1	2	0	15	1
Public Service Appeal Board	1	0	0	0	2	0	0	0	2	0
Public Service Employee Relations Commission	2	0	4	0	1	1	0	0	6	5
Purchasing Commission	1	0	0	0	3	0	2	0	5	1
Real Estate Council	2	4	2	0	3	2	0	0	7	0
Residential Tenancy Office	11	458	48	6	51	2	8	0	115	5
Translink	6	1	7	2	2	4	2	0	17	0
Travel Assurance Board	1	0	0	0	0	0	0	0	0	1
Vancouver Economic Development Commission	0	0	0	0	1	0	0	0	1	0
Workers Compensation Board	43	262	110	73	173	43	31	0	430	40
Workers Compensation Review Board	7	0	10	6	35	5	3	0	59	4

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of 01 Jan 2001	Requests for Information in 2001	Files Closed in 2001							Files Open as of 31 Dec 2001
			Enquiries	"Declined (s.10, 11)"	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Files Closed	
CROWN CORPORATIONS	**174**	**292**	**101**	**22**	**413**	**64**	**48**	**104**	**752**	**30**
BC Assessment	7	0	2	3	5	2	6	0	18	4
BC Assets and Land Corporation	11	0	8	0	9	6	6	0	29	6
BC Buildings Corporation	1	0	2	0	3	1	0	0	6	2
BC Ferry Corporation	1	1	3	0	1	1	2	0	7	0
BC Hydro and Power Authority	9	17	14	2	125	13	13	0	167	4
BC Lottery Corporation	0	0	1	0	2	0	0	0	3	0
BC Rail	2	0	3	0	5	0	2	0	10	1
BC Transit	2	0	10	1	4	4	1	0	20	0
Forest Renewal BC	104	1	2	0	0	1	3	104	110	1
Homeowner Protection Office	0	0	0	1	1	0	0	0	2	2
Insurance Corporation of BC	37	272	54	15	258	34	15	0	376	10
Pacific National Exhibition	0	0	1	0	0	0	0	0	1	0
Tourism BC	0	1	1	0	0	2	0	0	3	0
MUNICIPALITIES	**102**	**19**	**62**	**46**	**198**	**20**	**50**	**0**	**376**	**69**
City of Abbotsford	2	0	0	1	3	0	1	0	5	1
City of Armstrong	0	1	0	0	0	0	0	0	0	0
City of Burnaby	0	1	0	2	1	0	1	0	4	1
City of Castlegar	0	0	0	0	0	0	0	0	0	1
City of Chilliwack	1	1	1	1	3	0	0	0	5	1
City of Colwood	0	0	0	0	0	0	1	0	1	0
City of Coquitlam	5	0	1	0	2	0	1	0	4	3
City of Courtenay	10	0	0	0	3	1	0	0	4	8
City of Cranbrook	1	0	0	1	1	0	0	0	2	0
City of Dawson Creek	0	1	1	1	2	0	0	0	4	1
City of Duncan	0	0	0	0	1	0	0	0	1	0
City of Fernie	1	0	1	0	2	0	0	0	3	0
City of Fort St. John	0	0	1	0	1	0	1	0	3	0
City of Grand Forks	1	0	1	0	1	0	0	0	2	1
City of Greenwood	0	0	0	1	2	0	0	0	3	0
City of Kamloops	1	0	1	1	6	0	0	0	8	0
City of Kelowna	0	2	0	2	3	0	0	0	5	0
City of Kimberley	1	0	0	0	1	0	0	0	1	1
City of Langley	0	0	1	0	0	0	0	0	1	0
City of Merritt	0	0	0	0	1	0	0	0	1	0
City of Nanaimo	10	1	4	1	11	5	4	0	25	1
City of Nelson	0	0	0	2	3	0	0	0	5	0
City of New Westminster	1	1	1	0	0	0	1	0	2	1
City of North Vancouver	0	0	1	0	0	0	0	0	1	0
City of Penticton	3	0	1	0	5	0	1	0	7	2
City of Port Alberni	0	0	1	0	10	0	1	0	12	0
City of Port Coquitlam	1	0	0	0	1	0	0	0	1	0
City of Port Moody	0	1	0	0	0	0	0	0	0	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of 01 Jan 2001	Requests for Information in 2001	Files Closed in 2001							Files Open as of 31 Dec 2001
			Enquiries	"Declined (s.10, 11)"	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Files Closed	
City of Prince George	2	0	4	1	5	0	1	0	11	3
City of Prince Rupert	0	0	0	0	1	0	0	0	1	0
City of Quesnel	0	0	1	0	4	0	0	0	5	1
City of Revelstoke	0	0	0	0	1	0	0	0	1	0
City of Richmond	2	0	0	0	0	0	1	0	1	1
City of Rossland	0	0	0	0	1	1	0	0	2	0
City of Surrey	5	1	5	2	8	0	4	0	19	2
City of Terrace	1	0	0	0	0	0	2	0	2	0
City of Trail	1	0	1	0	2	1	0	0	4	0
City of Vancouver	6	4	6	6	16	2	5	0	35	3
City of Vernon	2	0	1	0	3	0	0	0	4	1
City of Victoria	2	1	2	9	12	1	1	0	25	3
City of White Rock	0	0	0	0	2	0	4	0	6	1
City of Williams Lake	0	0	1	0	1	0	0	0	2	0
Corporation of Delta	1	0	1	0	1	0	1	0	3	3
District of 100 Mile House	0	0	0	2	0	0	0	0	2	0
District of Campbell River	0	0	0	2	1	0	0	0	3	0
District of Central Saanich	4	0	1	0	3	1	1	0	6	0
District of Elkford	0	0	0	0	2	0	0	0	2	0
District of Esquimalt	2	1	0	0	0	0	1	0	1	1
District of Hope	0	0	2	0	6	0	0	0	8	0
District of Kitimat	1	0	0	1	1	0	0	0	2	0
District of Lake Country	2	0	1	0	3	0	0	0	4	2
District of Langford	1	0	0	0	2	0	1	0	3	1
District of Mackenzie	0	0	0	0	1	0	0	0	1	0
District of Maple Ridge	0	1	3	1	0	0	0	0	4	1
District of Mission	1	1	0	0	4	0	1	0	5	0
District of New Hazelton	0	0	0	0	0	0	1	0	1	0
District of North Cowichan	1	0	1	0	2	1	0	0	4	0
District of North Saanich	3	0	0	1	2	0	1	0	4	1
District of North Vancouver	1	0	0	0	0	0	1	0	1	1
District of Oak Bay	1	0	0	1	1	0	1	0	3	0
District of Peachland	0	0	0	0	0	0	0	0	0	1
District of Pitt Meadows	0	0	0	0	1	0	0	0	1	0
District of Port Edward	0	0	1	0	1	0	0	0	2	1
District of Port Hardy	0	0	1	0	1	0	0	0	2	0
District of Powell River	1	0	0	0	2	0	0	0	2	2
District of Saanich	3	0	2	0	4	0	2	0	8	2
District of Salmon Arm	0	0	0	2	1	0	0	0	3	0
District of Sechelt	2	0	1	1	3	1	2	0	8	0
District of Sicamous	0	0	0	0	0	0	0	0	0	1
District of Squamish	1	0	4	1	2	0	1	0	8	0
District of Stewart	0	0	0	0	2	0	0	0	2	2

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of 01 Jan 2001	Requests for Information in 2001	Files Closed in 2001							Files Open as of 31 Dec 2001
			Enquiries	"Declined (s.10, 11)"	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Files Closed	
District of Summerland	1	0	3	0	2	1	1	0	7	1
District of Tofino	2	0	1	0	2	0	1	0	4	0
District of Tumbler Ridge	0	0	0	0	1	0	0	0	1	0
District of Ucluelet	1	0	0	0	2	0	0	0	2	2
District of West Vancouver	0	0	0	1	0	0	0	0	1	0
Resort Municipality of Whistler	2	0	0	0	4	1	1	0	6	0
Town of Comox	0	0	0	0	1	0	0	0	1	0
Town of Creston	1	0	0	0	0	0	1	0	1	0
Town of Fort Nelson	0	0	0	1	0	0	0	0	1	1
Town of Golden	0	0	0	0	2	0	0	0	2	0
Town of Osoyoos	0	0	0	0	1	0	0	0	1	0
Town of Princeton	1	0	0	0	0	0	0	0	0	1
Town of Qualicum Beach	2	0	0	0	2	1	0	0	3	0
Town of Sidney	0	0	0	0	1	1	0	0	2	1
Town of Smithers	1	0	0	0	0	0	1	0	1	0
Town of View Royal	0	0	0	0	1	0	0	0	1	0
Township of Langley	1	1	1	0	0	1	0	0	2	2
Township of Spallumcheen	0	0	0	1	1	0	0	0	2	0
Village of Anmore	1	0	0	0	1	0	0	0	1	1
Village of Belcarra	1	0	0	0	0	0	0	0	0	1
Village of Chase	0	0	1	0	1	0	0	0	2	0
Village of Cumberland	0	0	0	0	1	0	0	0	1	0
Village of Fruitvale	0	0	0	0	1	0	0	0	1	0
Village of Gold River	1	0	0	0	1	0	0	0	1	0
Village of Harrison Hot Springs	1	0	0	0	1	0	1	0	2	0
Village of Kaslo	1	0	0	0	1	0	0	0	1	0
Village of Keremeos	0	0	0	0	1	0	0	0	1	0
Village of Lake Cowichan	1	0	0	0	1	0	0	0	1	0
Village of Lions Bay	0	0	0	0	1	0	0	0	1	0
Village of Nakusp	0	0	0	0	0	0	0	0	0	1
Village of Port Clements	0	0	0	0	1	0	0	0	1	0
Village of Radium Hot Springs	0	0	0	0	0	0	0	0	0	1
Village of Slocan	0	0	1	0	0	0	0	0	1	0
Village of Tahsis	0	0	0	0	2	0	0	0	2	0
Village of Valemount	0	0	0	0	0	1	0	0	1	0
Village of Warfield	0	0	0	0	0	0	0	0	0	1
REGIONAL DISTRICTS	**24**	**4**	**14**	**3**	**71**	**9**	**13**	**0**	**110**	**22**
Alberni-Clayoquot Regional District	5	1	0	0	7	0	0	0	7	1
Bulkley-Nechako Regional District	0	0	0	0	1	0	1	0	2	0
Capital Regional District	3	0	4	0	10	6	3	0	23	2
Cariboo Regional District	1	0	2	0	3	0	0	0	5	0
Central Kootenay Regional District	0	1	0	0	2	0	0	0	2	0
Central Okanagan Regional District	1	0	0	1	3	1	1	0	6	2

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			Enquiries	"Declined (s.10, 11)"	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Files Closed	
Columbia-Shuswap Regional District	1	0	0	0	1	0	0	0	1	1
Comox-Strathcona Regional District	2	0	1	0	3	1	1	0	6	0
Cowichan Valley Regional District	0	0	2	0	6	1	0	0	9	4
East Kootenay Regional District	1	0	0	0	2	0	0	0	2	0
Fraser Valley Regional District	1	0	0	0	2	0	0	0	2	4
Fraser-Fort George Regional District	1	0	0	0	0	0	1	0	1	0
Greater Vancouver Regional District	1	0	0	0	4	0	1	0	5	1
Kitimat-Stikine Regional District	1	0	0	0	4	0	0	0	4	1
Kootenay Boundary Regional District	0	0	0	0	1	0	0	0	1	0
Nanaimo Regional District	2	0	1	0	1	0	2	0	4	1
North Okanagan Regional District	1	0	0	0	5	0	1	0	6	0
Okanagan-Similkameen Regional District	1	0	2	2	6	0	0	0	10	4
Peace River Regional District	0	1	1	0	2	0	1	0	4	0
Powell River Regional District	0	1	0	0	1	0	0	0	1	0
Skeena-Queen Charlotte Regional District	2	0	1	0	0	0	1	0	2	1
Squamish-Lillooet Regional District	0	0	0	0	1	0	0	0	1	0
Sunshine Coast Regional District	0	0	0	0	2	0	0	0	2	0
Thompson-Nicola Regional District	0	0	0	0	4	0	0	0	4	0
ISLANDS TRUST	**7**	**0**	**1**	**0**	**3**	**5**	**0**	**0**	**9**	**4**
IMPROVEMENT DISTRICTS	**6**	**0**	**0**	**0**	**6**	**1**	**2**	**0**	**9**	**4**
Beaver Creek Improvement District	0	0	0	0	1	0	0	0	1	0
Cherry Creek Waterworks District	0	0	0	0	0	0	0	0	0	1
Erickson Improvement District	0	0	0	0	0	0	1	0	1	0
Heffley Creek Waterworks District	1	0	0	0	1	0	0	0	1	0
Lakeview Irrigation District	1	0	0	0	0	0	0	0	0	1
Lantzville Improvement District	0	0	0	0	0	0	1	0	1	0
Mill Bay Fire Protection District	1	0	0	0	1	0	0	0	1	0
Osoyoos Irrigation District	0	0	0	0	0	1	0	0	1	0
Royston Improvement District	1	0	0	0	0	0	0	0	0	1
South Okanagan Mission Improvement District	0	0	0	0	0	0	0	0	0	1
Trethewey-Edge Dyking District	1	0	0	0	1	0	0	0	1	0
Westbank Irrigation District	1	0	0	0	2	0	0	0	2	0
LIBRARIES	**1**	**0**	**3**	**0**	**2**	**0**	**0**	**0**	**5**	**2**
Fraser Lake Public Library	0	0	1	0	0	0	0	0	1	1
Fraser Valley Regional Library	0	0	1	0	1	0	0	0	2	0
Greater Victoria Public Library	1	0	1	0	1	0	0	0	2	1
REGIONAL PARKS BOARDS	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**1**
Cultus Lake Park Board	0	0	0	0	1	0	0	0	1	1
SCHOOLS AND SCHOOL BOARDS	**29**	**0**	**44**	**4**	**80**	**27**	**11**	**0**	**166**	**35**
School District 05 (Southeast Kootenay)	1	0	1	0	4	2	0	0	7	1
School District 06 (Rocky Mountain)	1	0	0	0	0	1	0	0	1	0
School District 08 (Kootenay Lake)	0	0	0	0	0	0	0	0	0	1

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of 01 Jan 2001	Requests for Information in 2001	Files Closed in 2001							Files Open as of 31 Dec 2001
			Enquiries	"Declined (s.10, 11)"	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Files Closed	
School District 20 (Kootenay-Columbia)	0	0	1	0	0	0	0	0	1	0
School District 22 (Vernon)	0	0	0	0	1	0	0	0	1	1
School District 23 (Central Okanagan)	0	0	1	0	5	0	0	0	6	0
School District 27 (Cariboo-Chilcotin)	0	0	3	1	2	3	0	0	9	1
School District 28 (Quesnel)	1	0	1	0	0	0	1	0	2	0
School District 33 (Chilliwack)	0	0	1	0	4	1	0	0	6	0
School District 34 (Abbotsford)	0	0	0	0	3	1	4	0	8	0
School District 35 (Langley)	1	0	1	0	2	1	0	0	4	1
School District 36 (Surrey)	1	0	1	0	2	2	0	0	5	3
School District 37 (Delta)	1	0	2	0	1	0	0	0	3	1
School District 38 (Richmond)	1	0	3	1	1	0	1	0	6	0
School District 39 (Vancouver)	3	0	0	0	5	0	1	0	6	1
School District 40 (New Westminster)	1	0	0	0	0	1	0	0	1	0
School District 41 (Burnaby)	0	0	0	0	4	0	0	0	4	1
School District 42 (Maple Ridge-Pitt Meadows)	0	0	0	0	2	2	0	0	4	0
School District 43 (Coquitlam)	1	0	1	0	1	0	0	0	2	1
School District 44 (North Vancouver)	0	0	1	0	0	0	0	0	1	0
School District 47 (Powell River)	0	0	1	0	0	0	0	0	1	0
School District 48 (Howe Sound)	0	0	2	0	1	0	0	0	3	5
School District 52 (Prince Rupert)	1	0	0	0	0	0	0	0	0	1
School District 54 (Bulkley Valley)	0	0	0	0	0	0	0	0	0	1
School District 57 (Prince George)	0	0	1	0	1	0	1	0	3	0
School District 58 (Nicola-Similkameen)	0	0	1	0	0	0	0	0	1	0
School District 59 (Peace River South)	1	0	1	0	1	1	0	0	3	2
School District 60 (Peace River North)	1	0	0	0	1	0	0	0	1	1
School District 61 (Greater Victoria)	2	0	3	0	10	3	0	0	16	2
School District 62 (Sooke)	0	0	0	0	3	0	0	0	3	0
School District 63 (Saanich)	0	0	4	0	1	1	0	0	6	1
School District 68 (Nanaimo-Ladysmith)	3	0	3	0	5	0	2	0	10	0
School District 69 (Qualicum)	0	0	0	0	1	0	0	0	1	0
School District 70 (Alberni)	1	0	1	1	2	1	0	0	5	1
School District 71 (Comox Valley)	0	0	1	0	2	0	0	0	3	1
School District 72 (Campbell River)	0	0	1	0	0	0	0	0	1	3
School District 73 (Kamloops/Thompson)	0	0	2	0	3	0	0	0	5	0
School District 74 (Gold Trail)	1	0	0	0	2	0	0	0	2	0
School District 75 (Mission)	1	0	2	0	3	1	1	0	7	0
School District 78 (Fraser-Cascade)	1	0	0	0	1	1	0	0	2	0
School District 79 (Cowichan Valley)	0	0	1	0	1	0	0	0	2	1
School District 82 (Coast Mountains)	2	0	0	1	1	2	0	0	4	1
School District 83 (North Okanagan-Shuswap)	0	0	0	0	1	0	0	0	1	0
School District 84 (Vancouver Island West)	0	0	0	0	1	0	0	0	1	2
School District 87 (Stikine)	1	0	1	0	0	1	0	0	2	0

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School District 91 (Nechako Lakes)	0	0	2	0	1	0	0	0	3	1
School District 92 (Nisga'a)	1	0	0	0	0	1	0	0	1	0
School District 93 (Conseil Scolaire Francophone)	1	0	0	0	1	1	0	0	2	0
UNIVERSITIES	**13**	**0**	**8**	**1**	**6**	**3**	**7**	**0**	**25**	**5**
Royal Roads University	0	0	1	0	0	0	0	0	1	0
Simon Fraser University	2	0	1	0	1	2	1	0	5	0
University of British Columbia	7	0	4	1	3	0	3	0	11	3
University of Northern BC	0	0	0	0	0	0	0	0	0	1
University of Victoria	4	0	2	0	2	1	3	0	8	1
COLLEGES	**8**	**0**	**15**	**1**	**20**	**4**	**0**	**0**	**40**	**6**
BC Institute of Technology	3	0	1	1	2	1	0	0	5	0
Camosun College	2	0	3	0	2	1	0	0	6	0
Capilano College	0	0	1	0	2	0	0	0	3	1
College of New Caledonia	0	0	1	0	1	0	0	0	2	1
College of the Rockies	1	0	0	0	2	0	0	0	2	0
Douglas College	0	0	1	0	0	0	0	0	1	1
Emily Carr Institute of Art and Design	0	0	0	0	0	0	0	0	0	1
Justice Institute of BC	0	0	1	0	0	0	0	0	1	0
Kwantlen University College	0	0	0	0	1	0	0	0	1	0
Langara College	0	0	1	0	2	0	0	0	3	1
Malaspina College	1	0	1	0	0	1	0	0	2	1
Northern Lights College	0	0	0	0	1	0	0	0	1	0
Northwest Community College	0	0	1	0	2	0	0	0	3	0
Okanagan University College	1	0	0	0	2	1	0	0	3	0
Open Learning Agency	0	0	1	0	0	0	0	0	1	0
Selkirk College	0	0	0	0	1	0	0	0	1	0
University College of the Cariboo	0	0	2	0	0	0	0	0	2	0
University College of the Fraser Valley	0	0	0	0	2	0	0	0	2	0
Vancouver Community College	0	0	1	0	0	0	0	0	1	0
PROFESSIONAL ASSOCIATIONS	**45**	**105**	**95**	**3**	**72**	**15**	**32**	**0**	**217**	**35**
Architectural Institute of BC	1	0	0	0	1	0	1	0	2	0
Association of Professional Engineers and Geoscientists	3	0	1	0	2	0	1	0	4	1
Association of Professional Foresters	2	0	1	0	0	0	0	0	1	2
BC College of Chiropractors	1	0	1	0	1	0	0	0	2	0
BC Veterinary Medical Association	0	1	0	0	0	0	0	0	0	0
Board of Registration for Social Workers	2	0	0	0	1	1	0	0	2	0
Certified General Accountants Association of BC	0	1	0	0	0	0	0	0	0	0
College of Dental Hygienists of BC	0	0	1	0	0	0	0	0	1	0
College of Dental Surgeons of BC	1	8	6	0	1	1	2	0	10	0
College of Denturists of BC	4	1	1	0	7	3	1	0	12	0
College of Massage Therapists of BC	0	0	0	0	0	0	1	0	1	0

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College of Naturopathic Physicians of BC	1	0	0	0	1	0	0	0	1	1
College of Occupational Therapists of BC	0	0	0	0	0	1	0	0	1	0
College of Opticians of BC	1	2	0	0	1	0	0	0	1	1
College of Pharmacists of BC	0	0	2	0	0	0	0	0	2	0
College of Physical Therapists of BC	0	0	0	0	2	1	0	0	3	1
College of Physicians and Surgeons of BC	6	39	46	0	13	4	5	0	68	9
College of Psychologists of BC	1	0	1	0	3	1	1	0	6	5
College of Registered Psychiatric Nurses of BC	1	0	0	0	1	1	1	0	3	0
College of Teachers	2	1	2	0	1	1	2	0	6	0
College of Traditional Chinese Medicine and Acupuncture of BC	0	0	2	0	16	0	0	0	18	0
Institute of Chartered Accountants of BC	3	0	0	0	3	0	0	0	3	0
Law Society of British Columbia	16	50	29	3	17	0	16	0	65	12
Registered Nurses Association of BC	0	0	2	0	1	1	1	0	5	3
Society of Notaries Public	0	2	0	0	0	0	0	0	0	0
HEALTH AUTHORITIES*	**41**	**7**	**98**	**8**	**146**	**25**	**39**	**0**	**316**	**33**
Fraser Health Authority	**5**	**1**	**19**	**2**	**23**	**2**	**6**	**0**	**52**	**3**
Fraser Valley Health Region	2	0	4	0	4	1	1	0	10	0
Simon Fraser Health Region	2	0	5	1	5	0	3	0	14	0
South Fraser Health Region	1	1	10	1	14	1	2	0	28	0
Fraser Health Authority	0	0	0	0	0	0	0	0	0	3
Interior Health Authority	**5**	**2**	**16**	**1**	**24**	**6**	**8**	**0**	**55**	**6**
Cariboo Community Health Service Society	0	0	1	0	0	0	0	0	1	0
Castlegar and District Health Council	0	0	0	0	1	0	0	0	1	0
Central Cariboo Chilcotin Health Council	1	0	0	0	1	1	1	0	3	0
Cranbrook Health Council	0	0	0	0	2	0	0	0	2	0
Creston and District Health Council	0	0	1	0	0	0	0	0	1	0
East Kootenay Community Health Services Society	0	0	0	0	2	0	1	0	3	0
Kootenay Boundary Community Health Services Society	0	0	3	0	0	0	1	0	4	0
Nelson and Area Health Council	0	0	0	0	0	1	1	0	2	0
North Okanagan Health Region	1	1	1	1	4	0	0	0	6	0
Okanagan Similkameen Health Region	1	1	7	0	8	1	3	0	19	0
South Cariboo Community Health Council	0	0	0	0	1	0	0	0	1	0
Thompson Health Region	0	0	3	0	4	3	1	0	11	0
Interior Health Authority	2	0	0	0	1	0	0	0	1	6
Northern Health Authority	**6**	**1**	**5**	**0**	**7**	**2**	**2**	**0**	**16**	**5**
Kitimat and Area Health Council	1	0	0	0	0	0	1	0	1	0
North Coast Community Health Council	0	0	0	0	1	0	0	0	1	0
North West Community Health Services Society	1	0	1	0	1	0	0	0	2	0
Northern Interior Regional Health Board	2	0	4	0	3	2	0	0	9	0

* *"In December 2001, community health service societies, community health regions and health regions" were consolidated into six new health authorities.*

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of 01 Jan 2001	Requests for Information in 2001	Files Closed in 2001							Files Open as of 31 Dec 2001
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Quesnel and District Community Health Council	0	1	0	0	1	0	0	0	1	0
Terrace and Area Health Council	1	0	0	0	1	0	1	0	2	0
Northern Health Authority	1	0	0	0	0	0	0	0	0	5
Vancouver Coastal Health Authority	**8**	**0**	**23**	**0**	**24**	**8**	**10**	**0**	**65**	**6**
Coast Garibaldi Community Health Services Society	0	0	2	0	0	0	1	0	3	0
North Shore Health Region	4	0	2	0	3	3	0	0	8	0
Powell River Community Health Council	0	0	1	0	0	0	0	0	1	0
Providence Health Care	0	0	1	0	3	1	1	0	6	1
Sunshine Coast Community Health Council	0	0	0	0	1	0	0	0	1	0
Vancouver/Richmond Health Board	3	0	17	0	17	4	8	0	46	0
Vancouver Coastal Health Authority	1	0	0	0	0	0	0	0	0	5
Vancouver Island Health Authority	**14**	**3**	**24**	**2**	**39**	**4**	**9**	**0**	**78**	**11**
Campbell River/Nootka Health Council	0	0	1	0	0	0	0	0	1	0
Capital Health Region	8	1	16	2	22	1	7	0	48	0
Central Vancouver Island Health Region	4	2	5	0	11	2	2	0	20	0
Comox Valley Community Health Council	0	0	0	0	1	0	0	0	1	0
Upper Island/Central Coast Health Services Society	2	0	2	0	5	1	0	0	8	0
Vancouver Island Health Authority	0	0	0	0	0	0	0	0	0	11
Provincial Health Services Authority	**3**	**0**	**11**	**3**	**29**	**3**	**4**	**0**	**50**	**2**
BC Cancer Agency	1	0	0	0	2	0	0	0	2	1
Children's and Women's Health Centre of BC	0	0	0	0	0	0	1	0	1	0
BC Mental Health Society (Riverview)	0	0	4	0	10	0	0	0	14	1
Forensic Psychiatric Services Commission	2	0	7	3	17	3	3	0	33	0
JURISDICTIONAL TOTALS	**964**	**2098**	**1505**	**786**	**3440**	**607**	**538**	**105**	**6981**	**605**
NON-JURISDICTIONAL TOTALS	**0**	**1852**	**91**	**409**	**1**	**NA**	**NA**	**NA**	**501**	**0**
GRAND TOTALS FOR 2001	**964**	**3950**	**1596**	**1195**	**3441**	**607**	**538**	**105**	**7482**	**605**

Staff

Angela Forth
Anita McCamley
Brad Cambrey
Brent Parfitt
Bruce Clarke
Bruce Edmundson
Bruce Ronayne
Carol Kemeny
Christina McMillan
Christine Morris
Del Phillips
Dale Bryant
David Brown
David Davis
Diane Johnston
Dorothy Hayward
Eileen Diersch
Elaine Fitch
Elizabeth Nicholls
Errol Nadeau
Fe Alcos
Florance Harvey
Gladys Clarke
Greg Levine
Gretchen Cleveland
Helene Desilets
Holly Williams
Howard Kushner
Ian MacCuish
Jacqueline Restall
Janet Hacker
Janice Curtis
Jennifer Bertsch
Jo-Anne Kern
Jocelyne Perreault
Johanna Thomas
Judy Ashbourne
Julibeth Fernandez
Lake Apted
Lanny Hubbard
Linda Carlson
Linda Pink
Louise Graham
Lyle McFadyen
Marisol Sepulveda
Mark McDonald
Michele Baker
Michelle Poulton
Pat Anderson
Rhonda Brown
Richard Webber
Roberta Hughes
Rosanna Stall
Rochelle Walter
Samantha Grantham
Sandra Chan
Sandy Wharf
Sharon Low
Sidney Dennison
Susan Berry
Ted Mitchell
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